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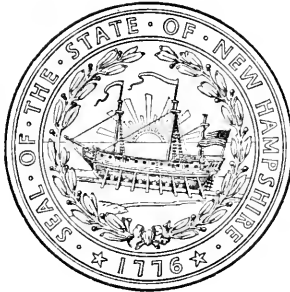
of the

STATE OF NEW HAMPSHIRE

PASSED JANUARY SESSION, 1969

LEGISLATURE CONVENED JANUARY 1, 1969

ADJOURNED JULY 1, 1969



CONCORD, N. H.

1969

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STATE OFFICERS

<i>Governor</i>	Walter Peterson
<i>Councilors</i>	Stephen W. Smith Robert E. Whalen Joseph J. Acorace Bernard A. Streeter, Jr. James H. Hayes
<i>Secretary of State</i>	Robert L. Stark
<i>Deputy Secretary of State</i>	Edward C. Kelley
<i>Treasurer</i>	Robert W. Flanders
<i>Deputy State Treasurer</i>	Everand D. Young
<i>Assistant State Treasurer</i>	Harry M. Descoteau
<i>Adjutant General</i>	Francis B. McSwiney
<i>Comptroller</i>	Leonard S. Hill
<i>Director of Accounts</i>	Norval D. Lessels
<i>Director of Purchase and Property</i> .	Richard N. Peale
<i>Business Supervisor</i>	Arthur H. Fowler
<i>Assistant Business Supervisors</i>	Donald Bernier Raymond C. Cummings Frank E. Adams
<i>Director of Division of Records</i> <i>Management and Archives</i>	Edwin H. Hunt
<i>Aeronautics Director</i>	John R. Sweeney
<i>Agriculture Commissioner</i>	Frank T. Buckley
<i>State Entomologist</i>	James G. Conklin
<i>State Veterinarian</i>	Clarence B. Dearborn
<i>Attorney-General</i>	George S. Pappagianis
<i>Deputy Attorney-General</i>	William F. Cann
<i>Assistant Attorneys-General</i>	Robert W. Ritchie David H. Souther Robert W. Moran Henry F. Spaloss Norman E. D'Amours Irma A. Matthews Donald A. Ingram W. Michael Dunn
<i>Director of Charitable Trusts</i>	John F. Beamis
<i>Bank Commissioner</i>	James W. Nelson
<i>Deputy Bank Commissioner</i>	Arlan S. MacKnight
<i>Assistant Bank Commissioner</i>	

<i>Cancer Commission</i>	Joseph W. Epply Frank Wesley Lane, Jr., M.D. Warren F. Eberhart, M.D. Michael A. Michaels, M.D. Morris H. Robertson, M.D. Clyde J. Gourley
<i>Civil Defense Director</i>	Francis B. McSwiney
<i>Education Commissioner</i>	Newell J. Paire
<i>Chief, Division of Vocational</i> <i>Education</i>	Neal D. Andrew
<i>Employment Security Commissioner</i> .	Benjamin C. Adams
<i>Fish and Game Director</i>	Bernard W. Corson
<i>Health and Welfare Commissioner</i> ..	Charles F. Whittemore
<i>Director of the Division of Welfare</i>	George E. Murphy
<i>Mental Health Director</i>	Donald M. Bramwell, M.D.
<i>Public Health Services Director</i> ...	Mary M. Atchison, M.D.
<i>State Sanatorium Superintendent</i> ..	Francis J. Kasheta, M.D.
<i>New Hampshire Hospital</i> <i>Superintendent</i>	Warren W. Burns, M.D.
<i>Laconia State School</i> <i>Superintendent</i>	Arthur E. Toll
<i>Registrar of Vital Statistics</i>	Marian Maloon Colby
<i>Veterans' Council State Director</i>	Jeremiah G. O'Connell
<i>Industrial School Superintendent</i> ...	Michael Morello
<i>Prison (State) Warden</i>	Parker L. Hancock
<i>Insurance Commissioner</i>	John A. Durkin
<i>Deputy Insurance Commissioner</i> ..	Anthony J. Juliano
<i>Judicial Council</i>	James L. Sullivan John H. Ramsey Robert E. Earley Frank R. Kenison John H. Leahy Robert W. Upton Maurice F. Devine Edward J. Gallagher John B. Pendleton Kenneth E. Shaw

<i>Labor Commissioner</i>	Robert M. Duvall
<i>Deputy Labor Commissioner</i>	Peter W. Collins
<i>Legislative Services Director</i>	Henry F. Goode
<i>Deputy Director</i>	Arthur G. Marx
<i>Librarian (State)</i>	Emil W. Allen, Jr.
<i>Assistant Librarian</i>	Elizabeth Ann Kingseed
<i>Liquor (State) Commission</i>	Costas S. Tentas
	James P. Nadeau
	John Ratoff
<i>Personnel Commission Director</i>	Roy Y. Lang
<i>Deputy Director</i>	Howard Haman, Jr.
<i>Public Utilities Commission</i>	Thomas A. Power
	Gerard O. Bergevin
	Francis J. Riordan
<i>Public Works and Highways Commis-</i> <i>sioner</i>	Robert H. Whitaker
<i>Deputy Commissioner</i>	Ruel W. Webb
<i>Assistant Commissioner</i>	John T. Flanders
<i>Racing (State) Commission</i>	Timothy J. Connors
	Theodore R. Langdell
	Emmet J. Kelley
<i>Resources and Economic Develop-</i> <i>ment Commissioner</i>	Roger J. Crowley, Jr.
<i>Director of Division of Resources</i> <i>Development</i>	Theodore Natti
<i>Director of Division of Economic</i> <i>Development</i>	Elias A. McQuaid
<i>Director of Division of Parks</i>	Russell B. Tobey
<i>Safety Department Commissioner</i> ...	Robert W. Rhodes
<i>Division of Motor Vehicles Director</i>	Fred L. Johnson
<i>Road Toll Administrator</i>	John J. Mara
<i>Financial Responsibility Adminis-</i> <i>trator</i>	Kenneth H. Lewis
<i>State Police Division Director</i>	Joseph L. Regan
<i>Division of Safety Services Director</i>	Oneil Houde
<i>State Coordinator of Highway Safety</i> .	Walter F. Mead
<i>State Building & Grounds Superin-</i> <i>tendent</i>	Arthur L. Petell, Jr.

<i>Sweepstakes Commission Director</i> . . .	Edward J. Powers
<i>Water Resources Board Chairman</i> ..	George M. McGee, Sr.
<i>Fire Marshal (State)</i>	Herbert L. Whitney
<i>Tax Commission</i>	William G. Conway
	Lawton B. Chandler
	William Maynard

SUPREME COURT

<i>Chief Justice</i>	Frank R. Kenison
<i>Associate Justices</i>	Laurence I. Duncan
	Edward J. Lampron
	Robert F. Griffith
	William A. Grimes
<i>State Reporter and Clerk of Supreme Court</i>	George O. Shovan

SUPERIOR COURT

<i>Chief Justice</i>	John H. Leahy
<i>Associate Justices</i>	Charles J. Flynn
	George R. Grant, Jr.
	William W. Keller
	Thomas J. Morris
	Martin F. Loughlin
	Richard P. Dunfey
	William R. Johnson
	John W. King
	Francis E. Perkins

LEGISLATURE OF 1969

SENATE

President — Stewart Lamprey, Moultonborough*

***Majority Leader* — Creeley S. Buchanan

Minority Leader — Harry V. Spanos

Clerk — Wilmont S. White, Moultonborough

Assistant Clerk — Roger C. Quimby, Concord

Senate Recorder — Esther T. Hurd, Concord

Sergeant-at-Arms — Robert K. Turner, Enfield

Messenger — Oland Bylow, Woodsville

Messenger — David Ringland, Surry

Doorkeeper — Merton Webber, Windham

* Stewart Lamprey, resigned; replaced by Arthur Tufts, Exeter.

**Resigned. Replaced by John R. Bradshaw.

SENATORS

Laurier Lamontagne, d, Berlin

Charles F. Armstrong, r, Littleton

*Stewart Lamprey, r, Moultonborough

George Gilman, r, Farmington

Howard C. Townsend, r, Lebanon

Edith B. Gardner, r, Gilford

Alf E. Jacobson, r, New London

Harry V. Spanos, d, Newport

John P. H. Chandler, Jr., r, Warner

John R. Bradshaw, r, Nelson

Robert English, r, Hancock

**Creeley S. Buchanan, r, Amherst

Richard W. Leonard, d, Nashua

Richard F. Ferdinando, r, Manchester

William P. Gove, r, Concord

Lorenzo P. Gauthier, d, Manchester

Elmer T. Bourque, d and r, Manchester

Paul E. Provost, d, Manchester

Russell A. Mason, r, Brentwood

Ronald J. Marcotte, d, Rollinsford

James Koromilas, r, Dover

Thomas J. Claveau, d, Hudson

Arthur Tufts, r, Exeter

Eileen Foley, d, Portsmouth

*Resigned. Replaced by Lester E. Mitchell, Sr., r, Campton.

**Resigned.

HOUSE OF REPRESENTATIVES

Speaker — Marshall W. Cobleigh, Nashua

Majority Leader — Harlan D. Logan

Minority Leader — Robert E. Raiche

Clerk — Francis W. Tolman, Nelson*

Assistant Clerk — J. Milton Street, Sharon†

†Assistant Clerk — Paul E. Brown, Derry

Sergeant-at-Arms — Lloyd G. Sherman, Lancaster

Assistant to Sergeant-at-Arms — Carleton J. Spear, Meredith

Chaplain — Reverend William L. Shafer, Chichester

Custodian of Mail and Supplies — Forrest A. Bucklin, Laconia

Assistant Mail Custodian — Edward G. Masi, Alexandria

Doorkeeper — Lloyd E. Fogg, Milan

Doorkeeper — Florence M. Gould, Wentworth's Location

Doorkeeper — Herbert R. Richardson, Randolph

Acting Doorkeeper — Jess Barney, Rumney

*Deceased. Replaced by J. Milton Street, Sharon

†Assistant Clerk — Paul E. Brown, Derry

BELKNAP COUNTY

Dist. No. 1 (Center Harbor, New Hampton)

H. Thomas Urie, r, New Hampton

Dist. No. 2 (Meredith)

Stuart B. Allan, r, Meredith

Robert M. Lawton, r, Meredith

Dist. No. 3 (Sanbornton, Tilton)

Earle F. Randall, r, Tilton

Charles B. Roberts, r, Sanbornton

Dist. No. 4 (Gilford)

Esther R. Nighswander, r, Gilford

Dist. No. 5 (Belmont)

Marion Wuelper, r and d, Belmont

Dist. No. 6 (Barnstead, Gilmanton)

George B. Roberts, Jr., r, Gilmanton

Dist. No. 7 (Alton)

Jakob Mutzbauer, r, Alton

Dist. No. 8 (Laconia, Ward 1)

Romeo R. deBlois, r, Laconia

Willard G. Martin, Jr., r, Laconia

Dist. No. 9 (Laconia, Ward 2)

Ann G. Dearborn, d and r, Laconia

Margaret E. Normandin, d and r, Laconia

Dist. No. 10 (Laconia, Wards 3 & 4)

George A. Head, r, Laconia

Oscar C. Prescott, r, Laconia

Dist. No. 11 (Laconia, Ward 5)

Lucien R. Dulac, d, Laconia

Dorothy V. Randlett, r, Laconia

Dist. No. 12 (Laconia, Ward 6)

Claude W. Foster, r, Laconia

George W. Stafford, r, Laconia

CARROLL COUNTY

Dist. No. 1 (Bartlett, Chatham, Hale's Loc., Hart's Loc., Jackson)

Donalda K. Howard, r, Bartlett

Dist. No. 2 (Conway)

Grace N. Cox, r, Conway

Esther M. Davis, r, Conway

Milburn F. Roberts, r, Conway

Dist. No. 3 (Albany, Eaton, Effingham, Freedom, Madison)

J. Donald Hayes, r, Madison

Dist. No. 4 (Sandwich, Tamworth)

Earle H. Remick, r, Tamworth

Dist. No. 5 (Moultonborough, Tuftonboro)

Dorothy W. Davis, r, Moultonborough

Dist. No. 6 (Ossipee)

Edward P. Hickey, r, Ossipee

Dist. No. 7 (Wolfeboro)

Russell C. Chase, r, Wolfeboro

Russell Gould Claflin, r, Wolfeboro

Dist. No. 8 (Brookfield, Wakefield)

Arthur H. Fox, r, Wakefield

CHESHIRE COUNTY

Dist. No. 1 (Walpole)

Louis S. Ballam, r, Walpole

Edward A. Johnson, r, Walpole

Dist. No. 2 (Surry, Westmoreland)

Lawry W. Churchill, r, Westmoreland

Dist. No. 3 (Alstead, Gilsum, Marlow)

Roxie A. Forbes, r and d, Marlow

Dist. No. 4 (Dublin, Harrisville, Nelson, Stoddard, Sullivan)

C. R. Trowbridge, r, Dublin

Dist. No. 5 (Marlborough, Roxbury)

Edward R. Danielchik, d, Marlborough

Dist. No. 6 (Jaffrey)

Charles R. Austin, r, Jaffrey

Wilfred W. Cournoyer, d, Jaffrey

Dist. No. 7 (Troy)

Charles L. McGinness, d, Troy

Dist. No. 8 (Fitzwilliam, Rindge)

James F. Allen, r, Rindge

Dist. No. 9 (Richmond, Winchester)

Jennie B. Bennett, r, Richmond

Elmer L. Johnson, r, Winchester

Dist. No. 10 (Hinsdale)

Alf Halvorson, r and d, Hinsdale

Dist. No. 11 (Swanzy)

Janet W. Dunham, r and d, Swanzy

Jacob M. Hackler, r and d, Swanzy

Willard L. Thompson, r, Swanzy

Dist. No. 12 (Chesterfield)

James E. O'Neil, r, Chesterfield

Dist. No. 13 (Keene, Ward 1)

Barbara B. Battenfeld, d, Keene

Sumner W. Raymond, r, Keene

Chris J. Tasoulas, r, Keene

Dist. No. 14 (Keene, Ward 2)Stephen W. Pollock, Sr., r and d,
Keene

Michael J. Saunders, d, Keene

Dist. No. 15 (Keene, Ward 3)

Francis P. Callahan, r, Keene

Cleon E. Heald, r, Keene

Dist. No. 16 (Keene, Ward 4)

Lawrence H. MacKenzie, r, Keene

Frank W. Walker, r, Keene

Dist. No. 17 (Keene, Ward 5)

Sheldon L. Barker, r, Keene

Harold F. Drew, r, Keene

Philip D. Moran, r, Keene

COOS COUNTY**Dist. No. 1 (Clarksville, Colebrook, Columbia, Dixville, Pittsburg, Stewartstown)**

Harry F. Huggins, r, Pittsburg

Harry N. Marsh, r, Colebrook

Chester D. Noyes, r, Stewartstown

Dist. No. 2 (Erving's Grant, Northumberland, Odell, Stark, Stratford)

Walter O. Bushey, d and r, Northumberland

Roger L. Hunt, d, Stratford

A. George Manning, d, Northumberland

Dist. No. 3 (Kilkenny, Lancaster)

Arthur M. Drake, r, Lancaster

Ralph D. Shute, r, Lancaster

Dist. No. 4 (Whitefield)

Harold W. Burns, d and r, Whitefield

Dist. No. 5 (Gorham)

Richard E. O'Hara, d and r, Gorham

Otto H. Oleson, d and r, Gorham

Dist. No. 6 (Berlin, Ward 1)

Leon T. Dubey, d, Berlin

Guy J. Fortier, d, Berlin

Edgar J. Roy, d, Berlin

Dist. No. 7 (Berlin, Ward 2)

Romeo A. Desilets, d, Berlin

George T. Studd, d, Berlin

Elmer H. York, d, Berlin

Dist. No. 8 (Berlin, Ward 3)

Hilda C. F. Brungot, r and d, Berlin

George Lemire, d, Berlin

Percy W. McCuin, r, Berlin

Dist. No. 9 (Berlin, Ward 4)

Rebecca A. Gagnon, d and r, Berlin

Emile J. Parent, d, Berlin

Romeo J. Theriault, d, Berlin

Dist. No. 10 (Atkinson-Gilmanton Academy Grant, Bean's Grant, Bean's Purchase, Cambridge, Chandler's Purchase, Crawford's Purchase, Cutt's Grant, Dix's Grant, Dummer, Errol, Green's Grant, Hadley's Purchase, Low and Burbank's Grant, Martin's Location, Milan, Millsfield, Pinkham's Grant, Sargent's Purchase, Second College Grant, Shelburne, Success, Thompson and Meserve's Purchase, Wentworth's Location)

George O. Thurston, r, Errol

Dist. No. 11 (Carroll, Dalton, Jefferson, Randolph)

Mabel L. Richardson, r, Randolph

GRAFTON COUNTY**Dist. No. 1 (Bethlehem, Littleton)**

Van H. Gardner, r, Littleton

Marcia Tefft Rich, r, Littleton

Malcolm J. Stevenson, r, Bethlehem

John H. Tilton, r, Littleton

Dist. No. 2 (Easton, Franconia, Woodstock)

Wayne G. Higgins, r and d, Woodstock

Dist. No. 3 (Lincoln, Livermore)

Edna B. McGee, d and r, Lincoln

Dist. No. 4 (Lisbon, Sugar Hill)

George Brummer, d, Lisbon

Dist. No. 5 (Bath, Benton, Landaff, Lyman, Monroe)

Nelson H. Chamberlin, r, Bath

Dist. No. 6 (Haverhill)

Phil A. Bennett, r and d, Haverhill

Norman A. McMeekin, r, Haverhill
Dist. No. 7 (Piermont, Warren, Wentworth)

Fayne E. Anderson, r, Warren
Dist. No. 8 (Lyme, Orford)

Hazel I. Park, r, Lyme

Dist. No. 9 (Hanover)

John C. Cone, r and d, Hanover

*William R. Johnson, r, and d, Hanover

Laurence I. Radway, d and r, Hanover

Dist. No. 10 (Alexandria, Bridgewater, Dorchester, Grafton, Groton, Hebron, Orange)

Manson B. Smith, r, Hebron

Dist. No. 11 (Lebanon, Ward 1)

Robert G. Dow, r, Lebanon

Carl P. Foster, r, Lebanon

Dist. No. 12 (Lebanon, Ward 2)

Roger M. Duhaime, d, Lebanon

*Resigned. Replaced by David C. Nutt, r.

**Resigned. Elected Senator Dist. No. 3.

Wilfred J. Trembly, d and r, Lebanon

Dist. No. 13 (Lebanon, Ward 3)

Frances B. Dudley, r and d, Lebanon

Shirley K. Merrill, r, Lebanon

Dist. No. 14 (Canaan)

Norman H. Ellms, r, Canaan

Dist. No. 15 (Enfield)

Arthur W. Blain, r, Enfield

Dist. No. 16 (Bristol)

Ernest C. Hopkins, r and d, Bristol

Dist. No. 17 (Ashland)

Harold V. Buckman, r, Ashland

Dist. No. 18 (Plymouth)

Kenneth G. Bell, r, Plymouth

Madison W. Sears, r, Plymouth

Dist. No. 19 (Campton, Ellsworth, Holderness, Rumney, Thornton, Waterville Valley)

Herbert H. Karsten, r, Holderness

**Lester E. Mitchell, Sr., r, Campton

HILLSBOROUGH COUNTY

Dist. No. 1 (Antrim, Bennington)

Theodore Aucella, r, Bennington

Dist. No. 2 (Deering, Hillsborough, Windsor)

Joseph M. Eaton, r and d, Hillsborough

*David A. Sterling, r and d, Hillsborough

Dist. No. 3 (Weare)

Frank N. Sawyer, r, Weare

Dist. No. 4 (Goffstown)

H. Allen Brown, r, Goffstown

Alice Tirrell Knight, r, Goffstown

Barbara S. Poehlman, d, Goffstown

Roland E. Vallee, r, Goffstown

Charles A. Weilbrenner, d, Goffstown

Dist. No. 5 (Francetown, New Boston)

David L. Nixon, r and d, New Boston

Dist. No. 6 (Greenfield, Hancock)

L. Albert Daloz, Sr., r, Hancock

Dist. No. 7 (Peterborough, Sharon)

Arthur F. Mann, r, Peterborough

Fred E. Murray, r, Peterborough

Dist. No. 8 (New Ipswich)

Theodore H. Karnis, r, New Ipswich

Dist. No. 9 (Greenville)

O. John Fortin, d, Greenville

Dist. No. 10 (Lyndeborough, Temple, Wilton)

Philip C. Heald, Jr., r and d, Wilton

Edward G. Warren, r, Lyndeborough

Dist. No. 11 (Milford)

Malcolm M. Carter, r, Milford

Roscoe N. Coburn, r, Milford

Charles W. Ferguson, Jr., r, Milford

Dist. No. 12 (Amherst, Mont Vernon)

Orson H. Bragdon, r, Amherst

Kenneth W. Spalding, Jr., r, Amherst

Dist. No. 13 (Brookline, Hollis, Mason)

Webster E. Bridges, Jr., r, Brookline

Daniel Brocklebank, r, Hollis

Dist. No. 14 (Nashua, Ward 1)

Maurice L. Bouchard, r, Nashua

Jean R. Wallin, d, Nashua

Dist. No. 15 (Nashua, Ward 2)

Helen A. Barker, r, Nashua

*Deceased. Replaced by William P. Bittenbender, r, Deering.

Marshall W. Cobleigh, r, Nashua
 Louis D. Record, Jr., r, Nashua
Dist. No. 16 (Nashua, Ward 3)
 Agenor Belcourt, d, Nashua
 Roland H. LaPlante, d, Nashua
 Romeo R. Lesage, d, Nashua
Dist. No. 17 (Nashua, Ward 4)
 Peter R. Cote, d, Nashua
 A. Theresa Drabinowicz, d, Nashua
 Samuel F. Mason, d, Nashua
Dist. No. 18 (Nashua Ward 5)
 William A. Desmarais, d, Nashua
 Henry J. Lachance, d, Nashua
 Arthur Poliquin, d, Nashua
Dist. No. 19 (Nashua, Ward 6)
 Arthur J. Bouley, d, Nashua
 Francis J. Chamard, d, Nashua
 Margaret S. Cote, d, Nashua
Dist. No. 20 (Nashua Ward 7)
 Adelard J. Aubut, d, Nashua
 Ralph W. Boisvert, d, Nashua
 Wilfrid A. Boisvert, d, Nashua
Dist. No. 21 (Nashua, Ward 8)
 Robert A. Dion, d, Nashua
 Eugene I. DuBois, d, Nashua
 Leo O. Sirois, r, Nashua
Dist. No. 22 (Nashua, Ward 9)
 Oscar P. Bissonnette, d, Nashua
 Ernest R. Coutermarsh, d, Nashua
 John H. LaTour, d, Nashua
Dist. No. 23 (Hudson)
 John M. Bednar, d, Hudson
 Christopher F. Gallagher, d, Hudson
 Phyllis M. Keeney, r, Hudson
 Robert C. Lynch, r, Hudson
Dist. No. 24 (Pelham)
 Miles J. Cares, d, Pelham
 Arthur H. Peabody, d, Pelham
Dist. No. 25 (Merrimack)
 Harold W. Watson, r, Merrimack
 *John W. Wright, Jr., r, Merrimack
Dist. No. 26 (Bedford, Litchfield)
 Frederick D. Goode, r, Bedford
 John J. Loxton, r, Bedford
 Anna S. VanLoan, r and d, Bedford

Dist. No. 27 (Manchester Ward 1)
 Edward I. Carmen, r, Manchester
 Maria L. Carrier, d, Manchester
 George A. Lang, r, Manchester
 Norman F. Milne, Jr., r, Manchester
 Emile J. Soucy, r, Manchester
 Kimon S. Zachos, r, Manchester
Dist. No. 28 (Manchester, Ward 2)
 William J. Gardner, r, Manchester
 J. Henry Montplaisir, r, Manchester
 Francis Murphy, r, Manchester
 Harry E. Nyberg, r, Manchester
 Antoinette B. Roy, r, Manchester
Dist. No. 29 (Manchester, Ward 3)
 George A. Bruton, d, Manchester
 Joseph Cote, d, Manchester
 Leo L. Dion, d, Manchester
 Armand L. Duhaime, d, Manchester
Dist. No. 30 (Manchester, Ward 4)
 William J. Cullity, d, Manchester
 Walter F. McDermott, d, Manchester
 John L. Welch, d, Manchester
Dist. No. 31 (Manchester, Ward 5)
 Stanley J. Betley, d, Manchester
 Thomas E. Manning, d, Manchester
 Edward J. Walsh, d, Manchester
Dist. No. 32 (Manchester, Ward 6)
 William F. Barrett, d, Manchester
 Denis F. Casey, d, Manchester
 Edward D. Clancy, d, Manchester
 Daniel J. Healy, d and r, Manchester
 Joseph Lomazzo, d and r, Manchester
 Michael F. O'Connor, d, Manchester
Dist. No. 33 (Manchester, Ward 7)
 Edward T. LaFrance, d, Manchester
 Charles J. Leclerc, d, Manchester
 **Albina S. Martel, d, Manchester
 P. Robert Thibeault, d, Manchester
Dist. No. 34 (Manchester, Ward 8)
 †Alphonse L. Bernier, d, Manchester
 Herman A. Campono, d, Manchester
 Edward Champagne, d, Manchester
 Michel Chevette, d, Manchester
 Eugene Delisle, Sr., d, Manchester
 Ernest Derome, d, Manchester

*Resigned. Replaced by Harold V. Buker, r.

**Deceased. Replaced by Joseph Martel, d.

† Deceased.

Robert E. Raiche, d, Manchester
Dist. No. 35 (Manchester, Ward 9)
 Michael P. Walsh, d, Manchester
Dist. No. 36 (Manchester, Ward 10)
 Gerard H. Belanger, d, Manchester
 †† Alfred A. Bergeron, d, Manchester
 James P. O'Connor, d, Manchester
 James A. Sweeney, Jr., d, Manchester
Dist. No. 37 (Manchester, Ward 11)
 Daniel J. Clear, d, Manchester
 Francis T. Nourie, d, Manchester
 Arthur Storm, d, Manchester
Dist. No. 38 (Manchester, Ward 12)
 † Louis P. LaPlante, d, Manchester

Alphonse Levasseur, d, Manchester
 Joseph C. Nalette, d, Manchester
Dist. No. 39 (Manchester, Ward 13)
 Edmond Allard, d, Manchester
 Lucien G. Lambert, d, Manchester
 Josaphat Lavallee, d, Manchester
 Origene E. Lesmerises, d, Manchester
 Hector J. Rousseau, d, Manchester
Dist. No. 40 (Manchester, Ward 14)
 John A. Burke, d, Manchester
 Emmett J. Grady, d, Manchester
 Edward P. McGrail, d, Manchester
 Marcel A. Vachon, d, Manchester

†† Deceased. Replaced by Herbert Goedecke, r.

† Resigned. Replaced by Armand Capistran, d.

MERRIMACK COUNTY

Dist. No. 1 (New London)
 William T. Andrews, r, New London
Dist. No. 2 (Bradford, Newbury, Sutton)
 Kenneth L. Sherman, r, Newbury
Dist. No. 3 (Warner, Webster)
 L. Waldo Bigelow, Jr., r, Warner
Dist. No. 4 (Henniker)
 Irene L. Reed, r, Henniker
Dist. No. 5 (Dunbarton, Hopkinton)
 Robert H. Gile, r, Hopkinton
 Samuel Reddy, Jr., r, Hopkinton
Dist. No. 6 (Bow)
 Richard D. Hanson, r, Bow
Dist. No. 7 (Hooksett)
 Albert E. Beauchesne, d, Hooksett
 Edward H. Enright, r, Hooksett
Dist. No. 8 (Allenstown)
 Ovila Gamache, d, Allenstown
Dist. No. 9 (Pembroke)
 John B. Goff, d, Pembroke
 Joseph H. Robinson, d, Pembroke
Dist. No. 10 (Chichester, Epsom)
 Clarence E. Bartlett, r and d, Epsom
Dist. No. 11 (Pittsfield)
 Fred Avery, r and d, Pittsfield
 Ann L. Mousseau, r, Pittsfield
Dist. No. 12 (Canterbury, Loudon)
 George D. Kopperl, r, Canterbury
Dist. No. 13 (Northfield)
 Charles H. Bent, r, Northfield
Dist. No. 14 (Franklin, Ward 1)
 Joseph Burleigh, r, Franklin
Dist. No. 15 (Franklin, Ward 2)
 John P. Dempsey, d, Franklin

Wiggin S. Gilman, d, Franklin
Dist. No. 16 (Franklin, Ward 3)
 A. Stephen Greeley, r, Franklin
 Leo U. Laroche, d, Franklin
Dist. No. 17 (Boscawen)
 Russell C. Mattice, r, Boscawen
Dist. No. 18 (Andover, Salisbury)
 Alfred E. Welch, r, Andover
Dist. No. 19 (Danbury, Hill, Wilmot)
 John R. Michels, r and d, Danbury
Dist. No. 20 (Concord, Ward 1)
 Milton A. Cate, r, Concord
 Edward H. York, d, Concord
Dist. No. 21 (Concord, Ward 2)
 Alice Davis, r, Concord
Dist. No. 22 (Concord, Ward 3)
 Arthur F. Henry, r, Concord
Dist. No. 23 (Concord, Ward 4)
 Charles H. Cheney, Sr., r, Concord
 Susan N. McLane, r, Concord
 Winfield J. Phillips, r, Concord
Dist. No. 24 (Concord, Ward 5)
 Richard H. Horan, Sr., r, Concord
 Roger A. Smith, r, Concord
Dist. No. 25 (Concord, Ward 6)
 Chris K. Andersen, r, Concord
 Wilfred B. Howland, r, Concord
 Maurice B. MacDonald, r, Concord
 Horace W. Sanders, r, Concord
Dist. No. 26 (Concord, Ward 7)
 Roland F. Fuller, r, Concord
 William F. Glavin, r, Concord
 C. Edwin Howard, r, Concord
 Henry C. Newell, r, Concord

Dist. No. 27 (Concord, Ward 8)

Lila S. Chase, r, Concord

*Donald J. Welch, r and d, Concord

*Deceased. Replaced by Shirley B. Welch, r.

Dist. No. 28 (Concord, Ward 9)

Kenneth M. Tarr, d, Concord

ROCKINGHAM COUNTY**Dist. No. 1 (Deerfield, Northwood, Nottingham)**

John T. Fernald, r, Nottingham

John H. Stimmell, r, Northwood

Dist. No. 2 (Candia)

Karl J. Persson, r, Candia

Dist. No. 3 (Auburn)

Margaret A. Griffin, r and d, Auburn

Dist. No. 4 (Londonderry)

Charles H. Hall, r, Londonderry

Edward J. Ormiston, r, Londonderry

Dist. No. 5 (Derry)

Ferne P. Adams, r, Derry

Charles H. Gay, r, Derry

Hayford T. Kimball, r, Derry

Maurice W. Read, r, Derry

Kenneth L. Senter, r, Derry

Dist. No. 6 (Windham)

Maurice E. Tarbell, r, Windham

Dist. No. 7 (Salem)

Anthony DeCesare, Jr., d, Salem

Jeanette Gelt, r, Salem

Arthur B. Marden, r, Salem

Roy Morrill, r, Salem

Bessie M. Morrison, r, Salem

James A. Sayer, r, Salem

Dist. No. 8 (Atkinson, Kingston)

Ernest D. Clark, r, Kingston

George W. White, Sr., r and d, Atkinson

Dist. No. 9 (Plaistow)

Mildred L. Palmer, r, Plaistow

Annie Mae Schwaner, r, Plaistow

Dist. No. 10 (Hampstead)

Doris M. Spollett, r, Hampstead

Dist. No. 11 (Danville, Fremont, Sandown)

Charles E. Cummings, r, Danville

Dist. No. 12 (Chester, Raymond)

J. Henry Greenwood, r, Raymond

Russell E. Underwood, r, Chester

Dist. No. 13 (Brentwood, Epping)

Vera E. Goodrich, r, Epping

John Hoar, Sr., r, Epping

Dist. No. 14 (Newmarket)

F. Albert Sewall, d, Newmarket

John Twardus, d, Newmarket

Dist. No. 15 (Newfields, Stratham)

W. Douglas Scamman, Jr., r, Stratham

Dist. No. 16 (Exeter)

Lyman E. Collishaw, r, Exeter

Edwin W. Eastman, r, Exeter

Edward A. Gage, r, Exeter

F. Leroy Junkins, r, Exeter

Robert W. Varrill, r, Exeter

Dist. No. 17 (East Kingston, Seabrook, South Hampton)

Stanley A. Hamel, r, Seabrook

Anthony T. Randall, r, Seabrook

Dist. No. 18 (Newton)

George L. Cheney, r, Newton

Dist. No. 19 (Hampton Falls, Kensington)

Marguerite B. Fiske, r, Hampton Falls

Dist. No. 20 (Hampton)

Herbert A. Casassa, r, Hampton

**John J. Ratoff, r, Hampton

C. Dean Shindledecker, r, Hampton

Dist. No. 21 (North Hampton)

James F. Leavitt, r, North Hampton

Dist. No. 22 (New Castle, Rye)

Elizabeth A. Greene, r, Rye

Ralph F. Hammond, r, Rye

Richard S. Lockhart, r, New Castle

Dist. No. 23 (Greenland, Newington)

Edna B. Weeks, r, Greenland

Dist. No. 24 (Portsmouth, Ward I)

Mary E. Keefe, d, Portsmouth

Ralph C. Maynard, d, Portsmouth

Archie D. McEachern, d, Portsmouth

**Resigned.

Dist. No. 25 (Portsmouth, Ward 2)

Raimond Bowles, r, Portsmouth

Anna C. Dorley, d, Portsmouth

Jeremiah Quirk, r, Portsmouth

Dist. No. 26 (Portsmouth, Ward 3)

C. Cecil Dame, r, Portsmouth

Joseph A. McEachern, d, Portsmouth

*Clayton E. Osborn, r, Portsmouth

Dist. No. 27 (Portsmouth, Ward 4)

J. Walter Jameson, r, Portsmouth

*Julia H. White, r, Portsmouth

Dist. No. 28 (Portsmouth, Ward 5)

Hector Coussoule, d, Portsmouth

James R. Splaine, r, Portsmouth

Dist. No. 29 (Portsmouth, Ward 6)

Wayne T. Bowlen, d, Portsmouth

Shirley Croft, d, Portsmouth

*Deceased.

STRAFFORD COUNTY**Dist. No. 1 (Middleton, Milton)**

Ruth H. Dawson, r, Milton

Dist. No. 2 (Farmington, New Durham, Strafford)

Ralph W. Canney, r, Farmington

Robert B. Drew, r, Farmington

Fred O. Tebbetts, r, Farmington

Dist. No. 3 (Barrington, Madbury)

Kenneth S. Morrow, r, Madbury

Dist. No. 4 (Durham, Lee)

Shirley M. Clark, r, Lee

Alexander Cochrane, r, Durham

Wayne Shirley, r, Durham

Loring V. Tirrell, r, Durham

Dist. No. 5 (Rollinsford)

Grace L. Joncas, d, Rollinsford

Dist. No. 6 (Somersworth, Ward 1)

Sarkis N. Maloomian, d, Somersworth

Dist. No. 7 (Somersworth, Ward 2)

Napoleon A. Habel, d, Somersworth

Dist. No. 8 (Somersworth, Ward 3)

Peter N. Chasse, d, Somersworth

Roland N. Hebert, d, Somersworth

Dist. No. 9 (Somersworth, Wards 4 & 5)

Henry Boire, d, Somersworth

Roland W. Dumais, d, Somersworth

Dist. No. 10 (Rochester, Ward 1)

Ernest L. Rolfe, r, Rochester

Dist. No. 11 (Rochester, Ward 2)

Grant J. Berkey, r, Rochester

Barbara C. Thompson, r, Rochester

Dist. No. 12 (Rochester, Ward 3)

Daniel J. Hussey, r, Rochester

Harold J. Vickery, r, Rochester

Dist. No. 13 (Rochester, Ward 4)

Leo E. Beaudoin, d, Rochester

Lucien G. Levesque, d, Rochester

Dist. No. 14 (Rochester, Ward 5)

Howell F. Preston, r, Rochester

Richard L. Smith, r and d, Rochester

Dist. No. 15 (Rochester, Ward 6)

Arnold T. Clement, r, Rochester

J. Thornton Tripp, r, Rochester

Dist. No. 16 (Dover, Ward 1)

Max W. Leighton, r, Dover

Raymond B. Peabody, r, Dover

Harry H. Pray, r, Dover

Dist. No. 17 (Dover, Ward 2)

Mary E. Bernard, d, Dover

Sadie C. Webber, d, Dover

Dist. No. 18 (Dover, Ward 3)

Carroll E. Fellows, r, Dover

Peter J. Murphy, d, Dover

Joan T. Young, r, Dover

Dist. No. 19 (Dover, Ward 4)

Paul L. Kinney, r, Dover

Aram Parnagian, r, Dover

Harriett W. B. Richardson, r, Dover

Keith H. Torr, r, Dover

Dist. No. 20 (Dover, Ward 5)

John Maglaras, d, Dover

SULLIVAN COUNTY**Dist. No. 1 (Grantham, Plainfield)**

Harlan D. Logan, r, Plainfield

Dist. No. 2 (Cornish, Croydon)

James F. Mackintosh, r, Cornish

Dist. No. 3 (Claremont, Ward 1)

William L. Gaffney, d, Claremont

Omer A. Rousseau, d, Claremont

Dist. No. 4 (Claremont, Ward 2)

George W. Angus, r, Claremont
Allan P. Campbell, r, Claremont
Sam J. Nahil, r, Claremont
Roma A. Spaulding, r, Claremont

Dist. No. 5 (Claremont, Ward 3)

Arthur W. Barrows, d, Claremont
Carmine F. D'Amante, d, Claremont
Ruth M. Hamilton, d, Claremont

Dist. No. 6 (Newport)

Robert A. Coggeshall, r, Newport
Maurice J. Downing, d, Newport

James A. Saggiotes, r, Newport
William F. Tracey, d, Newport

Dist. No. 7 (Charlestown, Unity)

Martha McD. Frizzell, r and d ,
Charlestown

Donald B. Galbraith, r, Charlestown

Dist. No. 8 (Springfield, Sunapee)

George R. Merrifield, r and d , Sun-
apee

**Dist. No. 9 (Acworth, Goshen, Langdon,
Lempster, Washington)**

Stanley H. Williamson, r, Goshen

LAWS

OF THE

STATE OF NEW HAMPSHIRE

JANUARY SESSION OF 1969

CHAPTER 1.

AN ACT AUTHORIZING THE EXPENDITURE OF FUNDS FOR AREA AND
COOPERATIVE SCHOOLS.

WHEREAS, the legislature appropriated certain funds for reorganization incentive aid to cooperative school districts and did not include aid to area schools, and

WHEREAS, the state board of education understood that the area schools were to share in the amount appropriated for each year of the biennium as provided under RSA 198:18 and RSA 195-A:10, and

WHEREAS, the state board of education determined that the area schools' share of the \$250,000 appropriated for fiscal 1968 was \$47,630.82 and the area schools' share of the \$450,000 appropriated for fiscal 1969 was \$109,821.93, now therefore

Be it Enacted by the Senate and House of Representatives in General Court convened:

1:1 Appropriation Expenditures. The state board of education may expend any sums appropriated by the 1967 general court for reorganization incentive aid and not distributed under the provisions of RSA 198:18 for the purpose of distributing funds to area schools under the provisions of RSA 195-A:10.

1:2 Effective Date. This act shall take effect upon its passage.

[Approved January 28, 1969.]

[Effective date January 28, 1969.]

CHAPTER 2.

AN ACT RELATIVE TO REQUIRED EQUIPMENT ON MOTORCYCLES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

2:1 Required Equipment. Amend RSA by inserting after 263:29-f the following new section: **263:29-g Equipment.** Every motorcycle operated or driven upon the ways of this state shall have footrests for each person operating or riding upon the same and a rear view mirror.

2:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved February 10, 1969.]

[Effective date April 11, 1969.]

CHAPTER 3.

AN ACT RELATIVE TO THE COLOR OF SCHOOL BUSES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

3:1 Vehicle Formerly Used as School Bus to be Repainted. Amend RSA 262-A, by inserting after section 53 the following new section: **262-A:53-a Vehicle Formerly Used as School Bus to be Repainted.** Any person who operates a motor vehicle formerly used as a school bus, as defined in RSA 263:26-a, on the highways of the state shall cause it to be painted a color readily distinguishable from national school bus chrome.

3:2 Effective Date. This act shall take effect sixty days after its passage.
[Approved February 10, 1969.]
[Effective date April 11, 1969.]

CHAPTER 4.

AN ACT REQUIRING AN INSTITUTION OF HIGHER LEARNING WHICH HAS CEASED TO CONDUCT COURSES TO FILE ITS RECORDS WITH THE COORDINATING BOARD AND TO BE RE-EVALUATED BY SAID BOARD IF INSTRUCTION IS RESUMED.

Be it Enacted by the Senate and House of Representatives in General Court convened:

4:1 Higher Education Corporations. Amend RSA 292 by inserting after section 8-k, as inserted by 1965, 44:1 the following new section: **292:8-kk Reports Required.** When any institution of higher learning ceases the regular conduct of instruction, either temporarily or permanently, whether or not the corporation is dissolved, the academic record, or a legible, certified copy thereof, of each student who has been registered for instruction at the institution shall be forwarded to the coordinating board of advanced education and accreditation, together with an explanation of the institution's credit and grading system. The coordinating board of advanced education and accreditation shall preserve these records and upon request of the individual concerned shall furnish a certified copy, or reasonable number of such copies, of the individual's record. The fee for each record so furnished shall be one dollar, to be paid to said board. Said fees shall be credited to the appropriation for said board.

4:2 Re-evaluation. Amend RSA 292 by inserting after section 8-f (supp) as amended by 1967, 288:2 the following new section: **292:8-f Re-activation.** Any institution of higher learning which has not conducted regular instruction for three consecutive years and whose charter has not been repealed shall, before announcing a resumption of instruction, submit its plans to the board and be evaluated and approved in the same way as required of new institutions under section 8-f.

4:3 Effective Date. This act shall take effect sixty days after its passage.
[Approved February 10, 1969.]
[Effective date April 11, 1969.]

CHAPTER 5.**AN ACT RELATIVE TO COUNTY APPROPRIATIONS FOR COOPERATIVE
EXTENSION SERVICE.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

5:1 Authority for Appropriation. Amend RSA 24:10 by striking out said section and inserting in place thereof the following: **24:10 County Cooperative Extension Service Work.** The county convention may raise and appropriate funds to supplement state and federal funds appropriated for the support of cooperative extension service work conducted in co-operation with the University of New Hampshire and the federal department of agriculture in furtherance of the so-called Smith-Lever Act as accepted by the state under the provisions of chapters 194 and 195 of the Laws of 1915. The sums appropriated and any other funds that may become available shall be expended through a county cooperative extension service council which is authorized to sponsor and guide this educational work. If there is no such council the sums appropriated may be expended by any other administrative entity legally established for the purposes of the Smith-Lever Act.

5:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved February 11, 1969.]

[Effective date April 12, 1969.]

CHAPTER 6.**AN ACT TO PROVIDE THAT APPOINTMENTS TO FILL VACANCIES IN BOARDS OF
SUPERVISORS OF THE CHECK-LIST SHALL BE FOR THE UNEXPIRED TERMS.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

6:1 Supervisors of Check-List, Vacancies. Amend RSA 55:4 (supp) as amended by 1965, 358:3 by striking out in lines five and six the words "until the next biennial election at which time a successor shall be chosen to hold office" so that said section as amended shall read as follows: **55:4 Vacancies.** Vacancies in the board shall be filled by the remaining members. If there is only one member of the board, or if the whole board shall be vacant, the moderator shall make the appointments. Any such appointee shall be of the same political party as the supervisor whose place he is filling and he shall hold office for the unexpired term. All such appointments shall be made in writing and be recorded.

6:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved February 11, 1969.]

[Effective date April 12, 1969.]

CHAPTER 7.

AN ACT INCREASING THE FEE FOR NON-RESIDENT HUNTING LICENSES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

7:1 Fee Increased. Amend RSA 214:9, VI as amended by 1955, 324:2 by striking out in the first line the words "twenty-five" and inserting in place thereof the word (thirty) so that said paragraph as amended shall read as follows. VI. If the applicant is a non-resident and wishes to hunt, thirty dollars, and said agent shall thereupon issue a non-resident hunting license which shall entitle the licensee to hunt, shoot, kill and take, except by the use of traps, and to transport game birds and game animals, under the restrictions of this title.

7:2 Effective Date. This act shall take effect January 1, 1970.

[Approved February 11, 1969.]

[Effective date January 1, 1970.]

CHAPTER 8.

AN ACT RELATIVE TO THE PENALTY FOR MISUSE OF FISH AND GAME LICENSES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

8:1 Penalty. Amend RSA 214:37 as amended by 1959, 29:2 by striking out said section and inserting in place thereof the following: **214:37 Fines.** Any person who violates the provisions of this chapter shall be fined not less than fifty dollars nor more than one hundred dollars no portion of which shall be suspended. A person who furnishes to another person, or permits another person to have or use, a license issued to himself or any other person, or changes or alters such license or coupon, or uses a license or license coupon issued to another person, or makes a false statement in an application, or knowingly guides a hunter who has not a license as provided in RSA 215, shall be fined not less than fifty dollars nor more than one hundred dollars no portion of which shall be suspended.

8:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved February 11, 1969.]

[Effective date April 12, 1969.]

CHAPTER 9.

AN ACT RELATIVE TO THE USE OF DEER COUPONS FOR THE TRANSPORTATION OF DEER.

Be it Enacted by the Senate and House of Representatives in General Court convened:

9:1 Deer Tags. Amend RSA 208:16 (supp) as amended by 1967, 84:5 by adding at the end of said section the following: (No person shall attach

a deer tag to the carcass of a deer unless the deer was killed by the holder of the license to which the deer tag was attached. No person shall possess a detached or perforated deer tag during the open season for deer unless the same be attached to a deer or carcass thereof as provided by this subdivision) so that the said section as amended shall read as follows: 208:16 **Use of Deer Tag.** Each hunting license shall be provided with a special deer tag. The holder of a license shall, upon killing his deer, detach, fill out and attach to the deer or carcass, by means of a string or wire the deer tag bearing the name and address of the licensee. Said deer tag shall remain attached to the deer or carcass thereof as long as said deer or carcass shall remain in the state and the owner shall be entitled to transport it or have it transported as provided in sections 12 and 13 of this chapter. No person shall attach a deer tag to the carcass of a deer unless the deer was killed by the holder of the license to which the deer tag was attached. No person shall possess a detached or perforated deer tag during the open season for deer unless the same be attached to a deer or carcass thereof as provided by this subdivision.

9:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved February 11, 1969.]

[Effective date April 12, 1969.]

CHAPTER 10.

AN ACT RELATIVE TO FISH AND GAME LICENSES FOR MEMBERS OF ARMED FORCES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

10:1 Expiration of Special Licenses. Amend RSA 214:3 as amended by 1955, 100:1; 1947, 267:3; and 1961, 161:1 by striking out said section and inserting in place thereof the following: **214:3 — Member of Armed Forces.** Any resident of this state who is on regular active duty with any branch of the armed forces of the United States, and who was a legal resident prior to entry into said armed forces, and who is stationed outside the state of New Hampshire, may make application to the director of the fish and game department or his designated agent for a special license which shall entitle the licensee to hunt, shoot, kill or take, except by the use of traps, and to transport game birds, game animals, fish and salt water smelt, under the restrictions of title XVIII of the Revised Statutes Annotated, except as otherwise provided in this section. The special license shall terminate immediately upon the termination of the service of the licensee in such armed forces, and in any event any such license shall expire on January first next following its issuance. There shall be no fee for such license.

10:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved February 11, 1969.]

[Effective date April 12, 1969.]

CHAPTER 11.

AN ACT TO PROHIBIT LOADED FIREARMS ON SNOW TRAVELING VEHICLES AT ANYTIME.

Be it Enacted by the Senate and House of Representatives in General Court convened:

11:1 Snow Traveling Vehicles. Amend RSA 207:7 by inserting in lines three and four after the word "vehicle" the words (snow traveling vehicle) so that said section as amended shall read as follows: **207:7 Hunting from Motor Vehicle, Snow Traveling Vehicle, Boat, or Aircraft.** No person shall take or attempt to take wild birds or wild animals from a motor vehicle, snow traveling vehicle, boat, aircraft or other craft propelled by mechanical power. No person shall have or carry, in or on, such motor vehicle, snow traveling vehicle, boat, aircraft, or other craft, whether moving or stationary, a loaded rifle or loaded shotgun or a rifle or shotgun with a cartridge in the magazine or clip attached to the gun. This section shall not apply to law enforcement officers carrying guns in the line of duty.

11:2 Effective Date. This act shall take effect sixty days after its passage.
[Approved February 11, 1969.]
[Effective date April 12, 1969.]

CHAPTER 12.

AN ACT RELATIVE TO CARRYING FISH AND GAME LICENSES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

12:1 Fish and Game Licenses. Amend RSA 214:1, as amended by 1955, 22:1 by striking out said section and inserting in place thereof the following: **214:1 License Required.** No person, except as hereinafter provided, shall at any time fish, hunt, trap, shoot, pursue, take or kill fresh water fish, salt water smelt, wild birds, or wild animals in this state, without first procuring a license so to do, and then only in accordance with the terms of such license and subject to all the provisions of this title. The licensee shall carry such license on his person when so engaged and the license shall be subject to inspection on demand of any person.

12:2 Effective Date. This act shall take effect January 1, 1970.
[Approved February 11, 1969.]
[Effective date January 1, 1970.]

CHAPTER 13.

AN ACT REQUIRING THAT COPIES OF FEDERAL AUDITS BE FILED WITH THE
LEGISLATIVE BUDGET ASSISTANT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

13:1 Legislative Budget Assistant. Amend RSA 14 by inserting after

section 35 the following new section: **14:35-a Copies of Federal Audits, Required.** Every state agency, commission, institution and department receiving a federal audit of its operation or any part thereof is hereby directed to forward a copy of said audit to the legislative budget assistant within fifteen days after the receipt of said audit.

13:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved February 11, 1969.]

[Effective date April 12, 1969.]

CHAPTER 14.

AN ACT TO SPECIFICALLY INCLUDE WOMEN VETERANS IN THE CLASS OF PERSONS
ELIGIBLE FOR ADMISSION TO THE SOLDIERS' HOME.

Be it Enacted by the Senate and House of Representatives in General Court convened:

14:1 Class of Persons Eligible Changed. Amend RSA 119:1 (supp) as amended by 1967, 93:1, by striking out in line two the word "men" and inserting in place thereof the word (veterans) so that said section as amended shall read as follows: **119:1 Establishment.** There is established in this state a home known as the New Hampshire Soldiers' Home for the support and care of veterans who served in the armed forces of the United States in any war in which the United States has been, is, or shall be engaged, and who are or shall be honorably discharged therefrom. A veteran who desires to enter said home shall make application for admittance to the board of managers. Admittance shall be at the discretion of said board. The care of veterans under this section includes nursing care for any veteran otherwise eligible for admittance.

14:2 Admission Requirements Changed to Include both Sexes. Amend RSA 119:9 by inserting in lines two and five after the word "he" in each line the words (or she) so that said section as amended shall read as follows: **119:9 Admission.** No applicant shall be admitted to the home unless he or she served in a New Hampshire military organization, or in the army or navy of the United States, and was credited to this state in a time of war and was honorably discharged from such service; or unless after such service he or she has been a resident of this state for the three years next preceding his application for admission. Upon request from the board, an investigation and prompt report of the industrial and financial condition of any applicant for admission to the home shall be made by a competent committee selected by the governor and council.

14:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved February 21, 1969.]

[Effective date April 22, 1969.]

CHAPTER 15.

AN ACT REPEALING INSPECTIONS OF MILK AND CREAM; THE LICENSING OF DEALERS,
AND THE ESTABLISHMENT OF CERTAIN MEASURES OF MILK.

Be it Enacted by the Senate and House of Representatives in General Court convened:

15:1 Repeal. Sections 1-10, inclusive, of RSA 184 relative to the inspection and licensing of milk dealers by cities and towns are hereby repealed.

15:2 Repeal. Sections 11-15, inclusive, of RSA 184 relative to the requirements for city and town milk testers are hereby repealed.

15:3 Repeal. Sections 31-35, inclusive, of RSA 184 relative to standards for measuring milk are hereby repealed.

15:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved February 21, 1969.]

[Effective date April 22, 1969.]

CHAPTER 16.

AN ACT TO ELIMINATE CERTAIN DUTIES OF THE COMMISSIONER OF AGRICULTURE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

16:1 Repeal. RSA 426:5, RSA 426:6, RSA 426:7, RSA 426:8, and RSA 426:9 as amended by 1965, 11:2, relative to certain duties of the commissioner of agriculture, are hereby repealed.

16:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved February 21, 1969.]

[Effective date April 22, 1969.]

CHAPTER 17.

AN ACT TO REQUIRE BIENNIAL REPORTS BY THE COMMISSIONER OF AGRICULTURE TO
THE GOVERNOR AND COUNCIL.

Be it Enacted by the Senate and House of Representatives in General Court convened:

17:1 Biennial Reports Required. Amend RSA 426:16 by striking out in line one the words "annually, before September thirtieth" and inserting in place thereof the following (biennially, before December thirty-first of each even-numbered year), and by striking out in line three the words "the institute work" so that said section as amended shall read as follows: **426:16 Report.** He shall biennially, before December thirty-first of each even-numbered year, submit a report to the governor and council, which shall include an account of the general work of the department, the special teaching and that of the heads of the various departments under his juris-

diction, and such other information pertaining to the department as may be of public and general interest. He shall include such recommendations for legislative action as the premises may demand, a statement of the total amounts of all expenditures, so classified as to show the amount expended in support of the several departments of work covered, and an account stating by properly classified totals all money received from sources other than the state treasury. The report shall be distributed to the town and public libraries of the state and to farmers, agriculturists, and others desiring it.

17:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved February 21, 1969.]

[Effective date April 22, 1969.]

CHAPTER 18.

AN ACT INCREASING THE PENALTY FOR VIOLATION OF CLAM LAWS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

18:1 Clam Laws, Penalty Increased. Amend RSA 211:64 as inserted by 1959, 194:4 by striking out said section and inserting in place thereof the following: **211:64 Penalty.** Whoever violates the provisions of section 62-a hereof or any rule or regulation promulgated by the director as hereinbefore provided relative to clams, clam worms and oysters shall be fined one hundred dollars. Any person taking clams in excess of the limits provided by regulations promulgated under RSA 211:62 shall be fined one hundred dollars and ten dollars additional for each quart taken or possessed in excess of the legal limit, provided that said additional fine shall in no case exceed \$500.00. The director, in his discretion, may also revoke any license issued to said person under this title for a period not exceeding one year.

18:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved February 21, 1969.]

[Effective date April 22, 1969.]

CHAPTER 19.

AN ACT RELATIVE TO THE TIMING OF COUNTY AUDITS BY THE TAX COMMISSION AND RELATIVE TO CERTAIN EXPENSES OF MUNICIPAL AUDITS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

19:1 County Audits Every Three Years. Amend RSA 71:27 by striking out in line five the word "two" and inserting in place thereof the word (three) so that said section as amended shall read as follows: **71:27 Audit on Motion of Commission.** The commission may cause an audit to be made of the accounts of any city, town, school district, village district or precinct,

as often as once in two years, or whenever conditions appear to it to warrant such audit. The commission shall cause an audit to be made of the accounts of each county as often as once in three years, or more often when conditions appear to warrant such audit, unless an audit of the accounts of such county has been made during said period by a certified public accountant in a manner prescribed by the tax commission and said certified public accountant's complete report is available to the public.

19:2 Expenses to be Reasonable. Amend RSA 71:28 by inserting in lines one, five, six and fourteen before the word "expenses" the word (reasonable) so that said section as amended shall read as follows: **71:28 Expenses of Audit.** All reasonable expenses incurred in conducting an audit shall be paid in the first instance from the appropriation for the commission, but each county, city, town, school district, village district or precinct shall, upon notification by the commission of the amount due, reimburse it for such reasonable expenses as follows:

I. Each county and city shall make reimbursement for all such reasonable expenses including salaries of members of the division for such time as said members have spent in said audit.

II. Each town, school district, village district or precinct having an equalized valuation of one million five hundred thousand dollars or more, shall make reimbursement as provided in paragraph I.

III. Each town, school district, village district or precinct having an equalized valuation of less than one million five hundred thousand dollars shall make reimbursement for all reasonable expenses incurred in the audit including one-half of the salaries of members of the division for such time as said members have spent in said audit. Provided, however, that in special cases where reimbursement under paragraphs II and III would result in hardship or in case of unusual circumstances the commission is authorized to make such adjustment of said payments as it may deem to be for the best interests of the municipality concerned. Said reimbursements shall be credited to the appropriation for the commission.

19:3 Effective Date. This act shall take effect sixty days after its passage.
[Approved February 21, 1969.]
[Effective date April 22, 1969.]

CHAPTER 20.

AN ACT RELATIVE TO REPEAL THE PROVISIONS RELATING TO TRAMPS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

20:1 Repeal. RSA 576, relating to the punishment of tramps, is hereby repealed.

20:2 Effective Date. This act shall take effect sixty days after its passage.
[Approved February 21, 1969.]
[Effective date April 22, 1969.]

CHAPTER 21.

AN ACT DIRECTING THE COMPTROLLER TO PREPARE THE BIENNIAL BUDGET FOR THE SUPREME COURT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

21:1 Biennial Budgets. Amend RSA 9 by inserting after section 4 the following new section: 9:4-a **Supreme Court.** The comptroller, subject to consultation with the justices, shall prepare the estimates for expenditure requirements for the supreme court for each fiscal year of the ensuing biennium.

21:2 Effective Date. This act shall take effect July 1, 1969.

[Approved February 21, 1969.]

[Effective date July 1, 1969.]

CHAPTER 22.

AN ACT TO INCLUDE CLASS IV HIGHWAYS IN THE CLASS OF HIGHWAYS ELIGIBLE FOR STATE HIGHWAY FUND EXPENDITURES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

22:1 Class IV Highways made Eligible for State Funds. Amend RSA 229:7 by inserting in line eight after the word "class" the numeral and word (IV and) so that said section, as amended shall read as follows: **229:7 Expenditures.** With the approval of the governor and council the commissioner may use the funds accruing to the department for construction and reconstruction and maintenance of class I highways and bridges thereon, for aid in construction and reconstruction of class II highways and bridges thereon, for maintenance and reconstruction of class II highways and bridges thereon, for maintenance and reconstruction of class III highways, for aid in construction, reconstruction, and maintenance of class IV and V highways and aid in the construction of bridges thereon, for the providing and maintenance of buildings, equipment, and supplies, for highway purposes, for the costs of administration, and for such other purposes as may be provided by law. The commissioner may designate all or any part of class I, class II or class III highways for winter maintenance.

22:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved February 21, 1969.]

[Effective date April 22, 1969.]

CHAPTER 23.

AN ACT CHANGING THE WORD "INVOICE" TO INVENTORY IN RELATION TO TAXATION OF PROPERTY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

23:1 Annual List. Amend RSA 74:1 by striking out in line two the word "invoice" and inserting in place thereof the word (inventory) so that said section as amended shall read as follows: **74:1 Annual List.** The selectmen of each town shall annually, in April, make a list of all the polls and take an inventory of all the estate liable to be taxed in such town on the first day of that month.

23:2 — Exempt Realty. Amend RSA 74:2 by striking out in line two, each time it appears, the word "invoice" and inserting in place thereof the word (inventory) so that said section as amended shall read as follows: **74:2 — Exempt Realty.** At the time of making the list of polls and the inventory of estate liable to be taxed the selectmen shall also make an inventory of all lands, buildings and structures which, but for the tax exemption laws of the state, would be taxable as real estate, including all land, but excluding the buildings of the United States, state, county, town, school district or any political subdivision thereof used for public or educational purposes.

23:3 — Railroad Stock. Amend RSA 74:3 by striking out in line one the word "invoice" and inserting in place thereof the word (inventory) so that said section as amended shall read as follows: **74:3 — Railroad Stock.** They shall annually take an inventory of the shares of stock of each railroad corporation of the state owned by the inhabitants of their town on April first, and shall transmit to the state tax commission on or before June first, a statement under oath, showing the number of shares of each corporation thus owned, the names of such stockholders, the number of shares owned by each in each corporation, and that such stockholders were inhabitants of the town on April first. If they shall neglect to comply with the foregoing provisions they shall be liable to the town for all damages resulting to it from their default.

23:4 Invoices. Amend RSA 75:4 (supp) as amended by 1967, 72:1 by striking out in line one the word "invoice" and inserting in place thereof the word (inventory) so that said section as amended shall read as follows: **75:4 Inventories.** The selectmen shall set down in their inventory, in separate columns, the value of improved and unimproved land, of buildings, of factories and factory machinery, of public utility property, of house trailers and mobile homes, the value of stock in trade, the number and value of oxen and other neat stock, the number and value of poultry and of all other classes of taxable property.

23:5 Buildings. Amend RSA 75:5 by striking out in line one the word "invoice" and inserting in place thereof the word (inventory) so that said section as amended shall read as follows: **75:5 Buildings.** In making the inventory, the selectmen shall set down in the column of improved and unimproved land all buildings situate on such land and owned by the

owners thereof, except such buildings as are specially designated in the preceding section.

23:6 Oath. Amend RSA 75:7 by striking out in line two the word "invoices" and inserting in place thereof the word (inventories) and by striking out in line seven the word "invoice" and inserting in place thereof the word (inventory) so that said section as amended shall read as follows:

75:7 Oath. The selectmen and assessors shall take and subscribe upon the copies or original inventories and assessments of both resident and non-resident taxes, furnished by them to the town clerks in their respective towns, to be recorded in the clerk's records, the following oath, which may be subscribed before any justice of the peace or notary public: We, the selectmen and assessors of _____, do solemnly swear that in making the inventory for the purpose of assessing the foregoing taxes we appraised all taxable property at its full value, and as we would appraise the same in payment of a just debt due from a solvent debtor. So help us God.

23:7 Revised Invoice. Amend RSA 75:8 by striking out in line six, each time it appears, the word "invoice" and inserting in place thereof the word (inventory) so that said section as amended shall read as follows: **75:8**

Revised Inventory. The assessors and selectmen shall, in the month of April in each year, examine all the real estate in their respective cities and towns, shall reappraise all such real estate as has changed in value in the year next preceding, and shall correct all errors that they find in the then existing appraisal; and such corrected appraisal shall be made a part of the inventory in such cities and towns; and the inventory thus revised shall be sworn to, as provided in the preceding section.

23:8 Separate Tracts. Amend RSA 75:9 by striking out in line five the word "invoice" and inserting in place thereof the word (inventory) so that said section as amended shall read as follows: **75:9 Separate Tracts.** Whenever it shall appear to the selectmen or assessors that two or more tracts of land which do not adjoin or are situated so as to become separate estates have the same owner, they shall appraise and describe each tract separately and cause such appraisal and description to appear in their inventory.

23:9 Property Taxes. Amend RSA 76:2 by striking out in line two the word "invoice" and inserting in place thereof the word (inventory) so that said section as amended shall read as follows: **76:2 Property Taxes.** All property taxes for any year following April first shall be assessed upon the inventory taken in that month.

23:10 Record of Invoices and Taxes. Amend RSA 76:7 (supp) as amended by 1965, 124:1 by striking out in lines two, six and eight the word "invoice" and inserting in place thereof the word (inventory) so that said section as amended shall read as follows: **76:7 Record of Inventories and Taxes.** A fair record shall be made of every inventory taken by the selectmen, and of all taxes by them assessed, in a book of records of the doings of the selectmen in their office, which shall be the property of the town. The selectmen shall leave a copy of the record with the town clerk within thirty days after the tax rate has been approved by the tax commission, or the original inventory and assessment shall be so left and recorded by the clerk. Both records shall be open to the inspection of all persons. The inventory record shall contain: (1) the information required under RSA

75:4; (2) the record of real estate which shall include the name of the owner, if known; the number of the lot and range, if lotted; otherwise, such description as the land may readily be known by; and the number of acres, if known; and (3) the amount of taxes assessed on all property assessed.

23:11 Amendments of Invoices and Tax Lists. Amend RSA 76:15 by striking out in line one the word "invoices" and inserting in place thereof the word (inventories) and by striking out in line seven the word "invoice" and inserting in place thereof the word (inventory) so that said section as amended shall read as follows: **76:15 Amendments of Inventories and Tax Lists.** Inventories and tax lists already delivered to tax collectors shall be amended by selectmen or assessors to the extent of correcting errors or perfecting the description of certain property therein listed, upon application made to them therefor by the tax collector prior to his posting notice of a tax sale in accordance with the provisions of section 21, chapter 80, Revised Statutes Annotated. Notice of such amendment to the inventory thereupon shall be sent by the selectmen or assessors, in writing and by registered mail, to the last known address of the owner or of the persons taxed, before the list of delinquent taxes is publicly posted by the tax collector.

23:12 Effective Date. This act shall take effect sixty days after its passage.

[Approved February 21, 1969.]

[Effective date April 22, 1969.]

CHAPTER 24.

AN ACT TO PROVIDE FOR A CITIZENS TASK FORCE TO STUDY THE EFFECTIVENESS OF STATE GOVERNMENT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

24:1 Organization Established. There is hereby established a Citizens Task Force to Study the Effectiveness of State Government, hereinafter referred to as citizens task force. The purpose of said citizens task force is to recommend measures to the Governor which will:

- (1) Further thrift and cost avoidance in the operations of government;
- (2) Assure the best use of current revenue and manpower;
- (3) Provide for the adoption of long-range programming, planning, and department budgeting;
- (4) Anticipate the presently foreseeable needs by its citizens in keeping abreast with technological and cultural advancements;
- (5) Eliminate or reduce any governmental services and activities, the costs of which cannot be justified;
- (6) Achieve efficient and effective systems of education, welfare, health services, safety services, conservation of natural and human resources, communication and transportation;

(7) Assist, wherever possible, so that New Hampshire's economy operate at highest attainable peaks;

(8) Encourage inward migration of industry and skilled labor while creating new and attractive opportunities for our existing workforce; and

(9) Apply modern business techniques to the complex enterprises of state government.

24:2 Membership. The governor is authorized to appoint a chairman of the citizens task force and as many additional members as he shall deem necessary and proper in order to carry out the duties of the citizens task force as set forth in this act. The citizens task force shall be under the direction of an executive committee which shall be presided over by the chairman. Said executive committee shall be composed of fifteen members. Eleven of said members shall be appointed by the governor. Two of said members shall be members of the house, to be appointed by the speaker. Two of said members shall be members of the senate, to be appointed by the president of the senate. The governor shall convene the first meeting of the citizens task force.

24:3 Staff. The governor shall appoint an executive director of the citizens task force and such other staff assistants as he shall deem necessary and proper. The governor shall set the compensation for all such staff members with the approval of the executive council and such staff members shall be allowed their necessary expenses while engaged in official business. The governor may temporarily assign to the citizens task force classified or unclassified state employees having skills or specialized knowledge which would be of use to said task force. The compensation of such temporarily assigned employees shall continue to be a charge upon their regular departments, but travel and other expenses shall be a charge upon the appropriation for the task force.

24:4 Technical Assistance. The governor, in consultation with the members of the executive committee of the citizens task force, is authorized to obtain the services of such technical assistants and consultants, at reasonable compensation, as he shall deem necessary and proper in order to conduct a thorough study of the effectiveness of state government.

24:5 Duties. The citizens task force shall perform the following duties:

(1) Make an overall study of the performance of government at all levels, including efficiency, effectiveness and cost avoidance of existing departments and agencies with particular emphasis on the use of manpower;

(2) Study the entire range of the need for governmental service in the state and to determine what changes have occurred or may occur in such needs for governmental service.

(3) Recommend any changes in the structure and organization of existing departments or agencies of state government; recommend the establishment of new departments and agencies if such be deemed advisable; and recommend ways and means that such existing or new departments or agencies may more effectively carry out their duties;

(4) Make any further studies and recommendations required to carry out the purposes stated in this act.

24:6 Rules. The citizens task force may adopt rules of procedures for its meetings and hearings as it shall deem necessary and proper.

24:7 Compensation of Members. The members of the citizens task force shall serve without compensation, but shall be allowed their necessary expenses while engaged in official business.

24:8 Reports. The citizens task force shall make a report of its findings and recommendations to the governor, the speaker of the house and the president of the senate not later than November 1, 1969, and may make further reports to said officers if deemed advisable. All such reports shall be public documents and copies shall be filed with the secretary of state and with the law librarian of the state library. Any legislation proposed by the citizens task force shall be submitted in final form to the speaker of the house and the president of the senate on or before fifteen days prior to the convening of any special session of the general court called to consider the report and recommendations of the task force, or on or before fifteen days prior to the convening of the next regular session of the general court if no such special session is called.

24:9 Gifts and Grants. The governor is hereby authorized to apply for and receive for expenditure for the purposes of this act federal or private gifts or grants as the same may become available and such private funds when received shall be deemed a contribution to the state for a public purpose within the meaning of any federal or state laws relative to tax exemptions. The funds received under the provisions of this section shall be a continuing fund for the purposes hereof and shall not lapse.

24:10 Appropriation. The sum of \$100,000 is hereby appropriated for the purposes of this act for the fiscal year ending June 30, 1969, and the sum of \$90,000 is hereby appropriated for said purposes for the fiscal year ending June 30, 1970. Any balance as of June 30, 1969, in the sum appropriated for the fiscal year ending June 30, 1969, shall be available for the following fiscal year but all state sums hereby appropriated shall lapse as of June 30, 1970. The governor is authorized to draw his warrants for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

24:11 Effective Date. This act shall take effect upon its passage.

[Approved March 4, 1969.]

[Effective date March 4, 1969.]

CHAPTER 25.

AN ACT RELATIVE TO FILING WITH THE SECRETARY OF STATE INFORMATION REGARDING VILLAGE DISTRICTS ESTABLISHED UNDER THE GENERAL LAWS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

25:1 Filing Requirement. Amend RSA 52 by inserting after section 23 the following new section: **52:24 Filing With Secretary of State.** The selectmen of every town, and the councilors or aldermen of every city,

which have a village district established under the provisions of this chapter lying in whole or in part within said town or city, shall file with the secretary of state the following information concerning the village district or districts within their respective municipalities.

I. Within one year of the enactment of this section there shall be filed:

- (a) the name of the village district;
- (b) the powers granted to said district; and
- (c) the territorial boundaries of the district.

II. Thereafter, within one year of any change in the above, there shall be filed:

- (a) any change in the name, powers or territorial limits of the district; and
- (b) any notice of dissolution of the district.

25:2 Notice to Selectmen. Upon the passage of this act the secretary of state shall notify by mail the selectmen, city councilors and aldermen of the various municipalities in the state, relating to them the contents of this act and requesting their compliance.

25:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved March 4, 1969.]

[Effective date May 3, 1969.]

CHAPTER 26.

AN ACT AUTHORIZING THE CORRECTION OF CERTAIN TECHNICAL ERRORS PRIOR TO
PRINTING THE STATUTES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

26:1 Publication of Statutes. Amend RSA 20 by inserting after section 2 the following new section: **20:2-a Examination Before Printing.** After any bill has been enacted by the General Court but prior to the printing of the acts of any session as provided in sections 1 and 2 the director of legislative services shall reexamine the same. If such reexamination shows any error or omission in the references to statutes or other technical or clerical errors the director is authorized to make the necessary corrections and the bill as thus corrected shall be printed under said sections 1 and 2.

26:2 Effective Date. This act shall take effect upon its passage.

[Approved March 4, 1969.]

[Effective date March 4, 1969.]

CHAPTER 27.

AN ACT ADOPTING THE INTERSTATE REGIONAL PLANNING COMPACT AND AUTHORIZING THE STATE TO ENTER INTO SUCH COMPACT WITH CONTIGUOUS STATES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

27:1 Interstate Regional Planning Compact. Amend RSA by inserting after chapter 36-A (supp) as inserted by 1963, 168:1 the following new chapter:

Chapter 36-B
Interstate Regional Planning Compact

36-B:1 Compact Authorized. The director of the offices of planning and research of the division of economic development in the department of resources and economic development and/or a regional planning commission which is established under RSA 36, or both, may negotiate with the proper authorities of the states of Maine, Massachusetts, and Vermont a compact for interstate regional planning substantially in form as follows, which is hereby ratified:

Interstate Regional Planning Compact

WHEREAS, the social, economic, and esthetic growth and development of the several states has, in certain regions, extended beyond the boundaries of two or more states; and

WHEREAS, such growth and development has resulted in physical problems, which require co-operative regional planning and mutual assistance toward their solution for the betterment of the health, welfare, and economic prosperity of the people living in such regions; and

WHEREAS, Congress has recognized the need for co-operative planning by giving its consent to two or more states entering into compacts for interstate regional planning; and

WHEREAS, co-operative regional planning between states can be best accomplished through interstate regional planning agencies; now therefore, the signatory states do agree and are bound as follows:

Article I

Any New Hampshire municipality is authorized by vote of its city council or town meeting to become a member of a regional planning agency established under the statutes of Maine, Massachusetts and Vermont provided that the office of planning and research of the department of resources and economic development, and the state agency with regional planning responsibilities in the signatory state, and the regional planning agency concerned determine that membership in such agency would be effective for planning purposes.

Article II

Any city or town in the states of Maine, Massachusetts or Vermont is authorized by a vote of its municipal legislative body to become a member of a regional planning commission established under RSA 36, provided

that the regional planning commission, and the office of planning and research of the department of resources and economic development, and the state agency with regional planning responsibilities in the signatory state determine that such membership would be effective for planning purposes.

Article III

Any municipality becoming a member of an interstate regional planning agency located in another state shall adopt the statute establishing such agency, and shall be subject to all provisions of such statute for representation, financial contributions, duties, reports, and otherwise hold full membership, except that requirements for initial establishment of the regional planning agency shall be based only on the municipalities in the state in which the agency is located.

Article IV

A municipality which becomes a member of a regional planning agency in another state may regard any plans, studies, proposals, and recommendations by such agency as advisory and need not be bound by them, and shall not be required to make any financial contribution thereto unless said contribution has been voted by its legislative body.

Article V

An annual report on the activities of any regional planning agency engaged in interstate regional planning under the provisions of this compact shall be filed with the state agency with regional planning responsibilities in each signatory state, in addition to any reports otherwise required from the regional planning agency.

36-B:2 Title. This chapter shall be known and may be cited as the Interstate Regional Planning Compact.

27:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved March 4, 1969.]

[Effective date May 3, 1969.]

CHAPTER 28.

AN ACT RELATIVE TO THE SIZE OF PAGES OF THE VOLUMES OF THE SESSION LAWS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

28:1 Session Laws. Amend RSA 20:2 by striking out in line six the words "and size" so that said section as amended shall read as follows:
20:2 — Bound Copies. The secretary of state shall cause to be printed and suitably bound all the acts and resolves of each session of the legislature, with an appropriate index, and such number thereof shall be printed as the governor and council shall approve. Such acts and resolves shall be

arranged under their proper classification, numbered consecutively as chapters, beginning with number one and shall be uniform in style with the Revised Statutes of 1955.

28:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved March 4, 1969.]

[Effective date May 3, 1969.]

CHAPTER 29.

AN ACT RELATIVE TO THE USE OF THE SENATE AND HOUSE CHAMBERS, ANTEROOMS
AND CLOAKROOMS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

29:1 Prior Approval Required. Amend RSA 14 by inserting after section 14 the following new section:

14:14-a Non-legislative Use of Chambers.

I. House. No person shall use the house chamber, anterooms, or cloakrooms at any time for any purpose other than a meeting of the house, of a committee thereof, or of a joint committee of the house and senate, without prior permission of the speaker of the house or his designee.

II. Senate. No person shall use the senate chamber, anterooms, or cloakrooms at any time for any purpose other than a meeting of the senate, of a committee thereof, or of a joint committee of the house and senate, without prior permission of the president of the senate or his designee.

29:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved March 4, 1969.]

[Effective date May 3, 1969.]

CHAPTER 30.

AN ACT RECODIFYING TO SIMPLIFY THE FORM OF THE STATUTES RELATIVE TO SALARIES OF COUNTY ATTORNEYS, COUNTY TREASURERS AND COUNTY COMMISSIONERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

30:1 County Attorneys. Amend RSA 7:35 (supp) as amended by 1955, 247:2; 1957, 34:1, 211:1, 263:1; 1959, 6:1; 1961, 107:1, 208:1; 1963, 95:1, 329:1; 1965, 192:1, 364:1; and 1967, 60:1 by striking out said section and inserting in place thereof the following: **7:35 Salaries.** The annual salaries of the county attorneys in the several counties are as follows:

I. In Belknap, four thousand dollars.

II. In Carroll, three thousand dollars.

III. In Cheshire, forty-five hundred dollars.

IV. In Coos, three thousand dollars.

V. In Grafton, five thousand dollars.

VI. In Hillsborough, county attorney, seventy-five hundred dollars. Assistant county attorney, thirty-five hundred dollars.

VII. In Merrimack, four thousand dollars.

VIII. In Rockingham, forty-five hundred dollars.

IX. In Strafford, thirty-five hundred dollars.

X. In Sullivan, thirty-five hundred dollars.

30:2 County Treasurers. Amend RSA 29:14 (supp) as amended by 1955, 172:2, 247:3; 1957, 149:1, 1963, 8:1; 1965, 262:2; and 1967, 36:1, 301:1 and 397:1 by striking out said section and inserting in place thereof the following: **29:14 Salaries.** The annual salaries of the treasurers of the several counties shall be as follows. Said sums shall be in full for their services and allowances of every kind except that to said sums shall be added a reasonable sum for all necessary expenses upon order of the county commissioners.

I. In Belknap, five hundred dollars.

II. In Carroll, seven hundred and fifty dollars.

III. In Cheshire, four hundred dollars.

IV. In Coos, five hundred dollars.

V. In Grafton, five hundred dollars.

VI. In Hillsborough, twelve hundred dollars.

VII. In Merrimack, one thousand dollars.

VIII. In Rockingham, fifteen hundred dollars.

IX. In Strafford, seven hundred and fifty dollars.

X. In Sullivan, five hundred dollars.

30:3 County Commissioners. Amend RSA 28:28 (supp) as amended by 1955, 247:4, 269:1; 1957, 182:1, 246:1; 1961, 80:1, 157:1, 210:1; 1963, 94:1, 329:2; 1965, 142:1, 191:1, 262:1; and 1967, 299:1, 316:1, 317:1, 397:2, 446:1 by striking out said section and inserting in place thereof the following: **28:28 Salaries.** The annual salary of each commissioner of the following counties shall be as follows, payable monthly by the county, provided further that to said sum shall be added, in all counties, a reasonable sum for all necessary expenses, upon order of the county auditors.

I. In Belknap, fifteen hundred dollars.

II. In Carroll, eighteen hundred dollars.

III. In Cheshire, two thousand dollars.

IV. In Coos, two thousand dollars.

V. In Grafton, twenty-one hundred and fifty dollars.

VI. In Hillsborough, five thousand dollars.

VII. In Merrimack, twenty-two hundred and fifty dollars.

VIII. In Rockingham, thirty-five hundred dollars.

IX. In Strafford, two thousand dollars.

X. In Sullivan, eighteen hundred dollars.

30:4 Effective Date. This act shall take effect upon its passage.

[Approved March 6, 1969.]

[Effective date March 6, 1969.]

CHAPTER 31.**AN ACT AUTHORIZING THE LIQUOR COMMISSION TO OPEN STATE STORES ON ELECTION DAY.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

31:1 Open on Election Days. Amend RSA 177 by inserting after section 2 (supp) the following new section: **177:2-a Election Days.** The authority of the liquor commission to make rules and regulations relative to sale of liquor shall include the right to provide that state stores may be open for business on any election day.

31:2 Effective Date. This act shall take effect upon its passage.

[Approved March 6, 1969.]

[Effective date March 6, 1969.]

CHAPTER 32.**AN ACT RELATIVE TO PREPARATION OF BILLS FOR SUBMISSION TO THE GOVERNOR.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

32:1 Procedure for Enrollment of Bills. Amend RSA 14:8 by striking out said section and inserting in place thereof the following: **14:8 Enrollment of Laws.** All bills and resolutions which have passed both branches of the legislature shall be forwarded to the office of legislative services to be there enrolled and prepared for submission to the governor. After such enrollment the bill or resolution shall be forwarded to the committee on enrolled bills for final approval. After said final approval the bill or resolution shall be forwarded to the secretary of state. He shall keep such bills and resolutions as public records of the state.

32:2 Submission to Governor. Amend RSA 14:9 by striking out said section and inserting in place thereof the following: **14:9 Presentation for Approval.** After any bill or joint resolution has been enrolled and approved, as provided by section 8, and signed by the speaker of the house and president of the senate, it shall be presented by the secretary of state to the governor for his approval, and the secretary shall note thereon the day and hour of presentation for approval, and shall make a similar entry in the records of his office.

32:3 Effective Date. This act shall take effect upon its passage.

[Approved March 7, 1969.]

[Effective date March 7, 1969.]

CHAPTER 33.

AN ACT RELATIVE TO AUTHORITY OF LEGISLATURE TO REPEAL THE CHARTER OF A
VOLUNTARY CORPORATION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

33:1 Voluntary Corporations. Amend RSA 292 by inserting at the end thereof the following new subdivision:

Legislative Amendment

292:22 Legislative Amendment. The legislature may at any time alter, amend or repeal the charter of any voluntary corporation or the laws under which it was established, or may modify or annul any of its franchises, duties and liability; but the remedy against the corporation for any liability previously incurred shall not be impaired thereby.

33:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved March 7, 1969.]

[Effective date May 6, 1969.]

CHAPTER 34.

AN ACT MAKING AN APPROPRIATION FOR THE COST OF MOVING AND PAYING RENTAL
OF STATE DEPARTMENTS TO MAKE SPACE AVAILABLE FOR THE 1969 GENERAL COURT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

34:1 Appropriation. There is hereby appropriated the sum of fifty-seven thousand, nine hundred seventy-one dollars and forty cents for the fiscal year ending June 30, 1969 to the director of purchase and property to be expended by him to pay for the costs for quarters outside state owned buildings, including but not limited to charges and costs of moving, rental, public utilities, janitorial and minor repairs of the following departments, commissions, agencies and moves: department of agriculture, insurance department, the attorney-general's office, public utilities commission, retirement division of the state treasurer, sweepstakes commission, real estate board, racing commission, probation department, New Hampshire technical services, room and meals tax division of the tax commission, visitors center and the legislative coat room in order to make space available for the use of the 1969 General Court. Said appropriation is in addition to any other appropriation for said fiscal year to any of said departments, commissions or agencies.

34:2 Transfer to Legislative Appropriation. Twenty-five hundred dollars of the sum appropriated by section 1 shall be transferred to the legislative appropriation in reimbursement for a like amount which has already been expended from the legislative appropriation in payment of rental for the leased premises on Pleasant Street in Concord. None of the balance remaining of the appropriation made by this act may be expended for any other purpose than that provided for by this act and none of said balance may be transferred.

34:3 Reimbursement from Certain Commissions and Divisions. The public utilities commission shall, as provided for by RSA 363-A, include as part of its expenses for the fiscal year ending June 30, 1969 the total expended for its use out of the appropriation made by this act and provide for its payment to the state treasurer. The sweepstakes commission and the room and meals division of the tax commission shall each charge for the fiscal year ending June 30, 1969 the total expended for the use of each out of the appropriation made by this act and shall charge said sum to the state treasurer out of moneys collected by it as part of the cost of administering its commission or division.

34:4 Effective Date. This act shall take effect upon its passage.

[Approved March 13, 1969.]

[Effective date March 13, 1969.]

CHAPTER 35.

AN ACT PROVIDING THAT CERTAIN HOLIDAYS BE OBSERVED ON MONDAYS EACH YEAR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

35:1 Legal Holidays; Change in Dates. Amend RSA 288:1 as amended by 1955, 145:1 by striking out said section and inserting in place thereof the following: **288:1 Holidays.** Thanksgiving day whenever appointed, the fourth Monday in April known as Fast Day, the first Monday in September known as Labor Day, the day on which the biennial election is held, January first, the third Monday in February known as Washington's Birthday, the last Monday in May known as Memorial Day, July fourth, the second Monday in October known as Columbus Day, the fourth Monday in October known as Veterans Day and Christmas day are legal holidays.

35:2 Effective Date. This act shall take effect January 1, 1971.

[Approved March 13, 1969.]

[Effective date January 1, 1971.]

CHAPTER 36.

AN ACT SPECIFICALLY INCLUDING CERTAIN CONSTRUCTION MATERIALS IN THE CLASS OF "MERCHANDISE" TO BE WEIGHED BY A PUBLIC WEAHER.

Be it Enacted by the Senate and House of Representatives in General Court convened:

36:1 Materials to be Weighed by a Public Weigher. Amend RSA 359:48 by inserting in line two after the word "merchandise" the following words (including, but not being limited to, sand, gravel, crushed stone, highway salt, cement, or asphalt paving material) so that said section, as amended, shall read as follows: **359:48 — Sales to City or Town.** Every person selling to any city or town by weight any merchandise, including but not being limited to, sand, gravel, crushed stone, highway salt, cement,

or asphalt paving material, the weight whereof is more than one hundred pounds, shall furnish therewith, at his own expense, the certificate of a public weigher of said city or town.

36:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved March 13, 1969.]

[Effective date May 12, 1969.]

CHAPTER 37.

AN ACT RELATIVE TO THE VOLUNTARY COMMITMENT OF A PERSON TO NEW HAMPSHIRE HOSPITAL.

Be it Enacted by the Senate and House of Representatives in General Court convened:

37:1 New Hampshire Hospital. Amend RSA 135:22 as amended by 1961, 222:1 and 1963, 39:2 by striking out the third sentence and inserting in place thereof the following: (Charges for the support of such patient at the hospital shall be governed by recommendations of the division of investigation of accounts of the department of administration and control) so that said section as amended shall read as follows: **135:22 Voluntary Commitment; Penalty.** Pursuant to rules and regulations established by the superintendent of the New Hampshire Hospital, the hospital may receive and detain therein as a patient any person suitable for care and treatment, who voluntarily makes written application therefor on a form prescribed by the superintendent, or if such person be under twenty-one years of age such written application shall be made by the parent or legal guardian or person standing in loco parentis of such person. In the discretion of the superintendent of the New Hampshire Hospital such patient may be detained for the purpose of care and treatment until fifteen days after receipt of notice in writing from such patient of his intention or desire to leave the hospital, or if such patient be under twenty-one years of age, until fifteen days after receipt of notice in writing, stating such intention or desire of the parent or legal guardian or person standing in loco parentis of such patient; provided, however, that such notice in writing shall in no event effect a release of such patient until sixty days from his admission to the hospital. Charges for the support of such patient at the hospital shall be governed by recommendations of the division of investigation of accounts of the department of administration and control. Any person violating the provisions of this or the preceding sections shall be fined not more than one hundred dollars.

37:2 Other Admissions. Amend RSA 135 by inserting after section 22 the following new section: **135:22-a Informal Admission.** The New Hampshire Hospital may receive and temporarily detain therein as a patient any person suitable for care and treatment without any commitment procedure. Such person may be admitted without formal or written application in the same manner as admission to a general hospital, upon the approval of the admitting physician. Any person admitted under this section shall be free to leave the hospital at any reasonable time, but in no

case shall be detained longer than twelve hours after indicating his desire to leave. Charges for the support of such patient at the hospital shall be governed by recommendation of the division of investigation of accounts of the department of administration and control.

37:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved March 13, 1969.]

[Effective date May 12, 1969.]

CHAPTER 38.

AN ACT RELATIVE TO REMOVAL OF BOB HOUSES FROM PUBLIC AND PRIVATE PROPERTY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

38:1 Bob Houses. Amend RSA 211:17-a as amended by 1957, 82:1 and 1963, 92:1 by striking out said section and inserting in place thereof the following:

211:17-a Ice Fishing.

I. Any person owning or placing a smelt shanty or bob house on the ice for the purpose of ice fishing shall mark clearly on the outside of the door of said structure the owner's name and address. Any person who shall violate the provisions of this paragraph shall be fined not more than twenty-five dollars, and his hunting and fishing privileges may be suspended for a period of thirty days.

II. Any owner of a smelt shanty or bob house who shall allow said structure to remain on public property or public waters or on the property of another without permission after April seventh shall be fined not more than twenty-five dollars, and the fish and game department may claim such property and contents thereof and sell at a public auction to be held at the discretion of the director, or, if of no value and the owner cannot be apprehended, said structure and its contents may be destroyed.

III. No person owning or placing a smelt shanty or bob house on the ice for the purpose of ice fishing shall cause or allow the same to be burned thereon.

38:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved March 13, 1969.]

[Effective date May 12, 1969.]

CHAPTER 39.

AN ACT RELATING TO JUDICIAL REFEREES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

39:1 Referees. Amend RSA 493-A:2 as inserted by 1961, 174:1 by striking out in lines seven and eight the words "an associate justice of the court"

and inserting in place thereof the words (the office) so that said section as amended shall read as follows: **493-A:2 Compensation.** Any judicial referee, and any justice retired under the provisions of RSA 490:2 or RSA 491:2 after having served as hereinbefore provided for ten or more years, shall as additional compensation for services rendered after the date of enactment of this statute and as compensation for any services which he may render as judicial referee be paid as long as he shall serve as such an annual sum equal to three-fourths of the currently effective annual salary of the office from which he is retired, payable in the same manner that salaries of justices are paid. Such payments shall be a charge against the biennial appropriations for the superior court and included by the comptroller in its requests for appropriations and shall be in lieu of any rights or benefits under RSA 490:2 or 491:2 to which such justice would otherwise be entitled. Any justice who is a member of the state employees retirement system may terminate his membership at any time after the passage of this act and thereupon any accumulated contributions as defined in RSA 100 shall be paid over to him on written request. No justice whose membership is not so terminated before his retirement shall be eligible for payments under this section.

39:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved March 13, 1969.]

[Effective date May 12, 1969.]

CHAPTER 40.

AN ACT RELATIVE TO FILLING VACANCIES IN THE HOUSE OF REPRESENTATIVES
IN MULTI-TOWN DISTRICTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

40:1 Date of Special Election. Amend RSA 66 by inserting after section 7 (supp) as amended by 1965, 216:4 the following new section: **66:7-a Multi-town Districts.** When a vacancy in the office of representative or representative-elect occurs in a district that is comprised of more than one town, upon request of the selectmen of any town in said district, the governor and council shall set the date for a special election to fill the vacancy.

40:2 Effective Date. This act shall take effect upon its passage.

[Approved March 13, 1969.]

[Effective date March 13, 1969.]

CHAPTER 41.

AN ACT RELATIVE TO RADIATION PROTECTION AND CONTROL.

Be it Enacted by the Senate and House of Representatives in General Court convened:

41:1 Terms Defined. Amend RSA 125:58 as inserted by 1963, 229:1 by inserting after paragraph VIII the following new paragraphs:

IX. "Registration" means the proper filling out of and filing with the state radiation control agency of a form provided by the agency, listing the number and types of radiation machines owned by or in the possession of any person.

X. "Radiation machine" means any device capable of producing ionizing radiation when the associated control devices are operated, but excluding devices which produce radiation only by the use of radioactive material.

XI. "Radioactive material" means any material, solid, liquid, or gas which emits ionizing radiation spontaneously.

41:2 Exemptions. Amend RSA 125:62, III as inserted by 1963, 229:1 by striking out said paragraph and inserting in place thereof the following: III. The agency is authorized to exempt certain sources of ionizing radiation or kinds of uses or users from the licensing or registration requirement set forth in this section. Such sources, uses or users as may be exempted from the licensing or registration requirement shall be specifically named in a schedule of such exempt uses, users or sources of ionizing radiation within the content of such rules and regulations as may be promulgated under the authority of RSA 125:59, III, (4).

41:3 License and Registration Fees Due. Amend RSA 125:62 as inserted by 1963, 229:1 and amended by 1965, 336:2 by inserting after paragraph VII the following new paragraph: VIII. License and registration fees shall be due and payable on or before the expiration date shown on the license or registration.

41:4 Effective Date. This act shall take effect sixty days after its passage.
[Approved March 13, 1969.]
[Effective date May 12, 1969.]

CHAPTER 42.

AN ACT RELATIVE TO THE TIME FOR TRANSFER TO THE STATE OF UNCLAIMED RACING TICKET MONEYS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

42:1 Date Changed. Amend RSA 284:31 as amended by 1957, 165:1 by striking out in line one the word "first" and inserting in place thereof the word (third) and by striking out in lines eleven through fourteen the words "Provided, however, that all parti-mutuel pool tickets issued during the racing season of 1954 may be redeemed if presented to the commission on or before the first Monday in December of 1957" so that said section as amended shall read as follows: **284:31 Unclaimed Ticket Money.** On or before the third Monday in December of each year every person, association or corporation conducting a race or race meet hereunder shall pay to the state treasurer all moneys collected during the year of pari-mutuel pool tickets which have not been redeemed. The books or records of said person, association or corporation, which clearly show the tickets entitled

to reimbursement in any given race, shall be forwarded to the commission. Such moneys shall be retained by the state treasurer and he shall pay the amount due on any ticket to the holder thereof upon an order from the commission. After the expiration of two years, any such moneys still in the custody of the state treasurer shall become a part of the general funds of the state.

42:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved March 13, 1969.]

[Effective date May 12, 1969.]

CHAPTER 43.

AN ACT RELATIVE TO THE FORMATION OF NON-PROFIT CORPORATIONS FOR MENTAL HEALTH PROGRAMS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

43:1 Mental Health Program. Amend RSA 292:1 (supp) by adding after paragraph XIII (supp) as inserted by 1967, 359:2 the following new paragraph: XIV. The provision of mental health services.

43:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved March 13, 1969.]

[Effective date May 12, 1969.]

CHAPTER 44.

AN ACT TO CHANGE THE NAME OF THE LACONIA STATE SCHOOL.

Be it Enacted by the Senate and House of Representatives in General Court convened:

44:1 Name Changed. Amend RSA 171:1 as amended by 1955, 314:1 by inserting at the end thereof the words (and Training Center) so that said section as amended shall read as follows: **171:1 State School.** The state shall maintain a school for the care and instruction of the mentally deficient which shall be known as the Laconia State School and Training Center. Whenever reference is made to the Laconia State School in any provision of the statutes, it shall henceforth be construed to mean the Laconia State School and Training Center.

44:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved March 13, 1969.]

[Effective date May 12, 1969.]

CHAPTER 45.

AN ACT RELATIVE TO POWER OF DIRECTOR OF FISH AND GAME IN REMOVING
NUISANCE ANIMALS. BIRDS AND FISH.

Be it Enacted by the Senate and House of Representatives in General Court convened:

45:1 Fish and Game Director; Powers. Amend RSA 207 by inserting after section 10 the following new section: **207:10-a Exception.** The provisions of RSA 207:10 relative to use of certain prohibited devices shall not apply to the fish and game director or his authorized agents when engaged in removing nuisance animals, birds or fish.

45:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved March 12, 1969.]

[Effective date May 12, 1969.]

CHAPTER 46.

AN ACT EMPOWERING THE GOVERNOR AND COUNCIL TO ESTABLISH THE FEES FOR THE
COPIES OF RECORDS ON CERTAIN REHEARING AND APPEALS
UNDER THE PERSONNEL SYSTEM.

Be it Enacted by the Senate and House of Representatives in General Court convened:

46:1 Personnel Commission. Amend RSA 98 by inserting after section 14 the following new section: **98:14-a Appeal Fees.** In the event of an appeal from a decision of the personnel commission in accordance with the provisions of RSA 541 the fee for the copy of the record and such testimony and exhibits as shall be transferred, and the fee for manifold copies shall be established by the governor and council and collected by the personnel commission from the party making the appeal. Any fees collected by the commission under the provisions of this section shall be credited to the appropriation for said commission. The commission shall not be required to certify the record upon any such appeal, nor shall said appeal be considered until the fees for the copies have been paid.

46:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved March 13, 1969.]

[Effective date May 12, 1969.]

CHAPTER 47.

AN ACT TO PROVIDE FOR THE PRE-FILING OF BILLS WITH THE
DIRECTOR OF LEGISLATIVE SERVICES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

47:1 Pre-filing of Bills. Amend RSA 14:39 (supp) as amended by 1963, 297:3 by striking out said section and inserting in place thereof the following: **14:39 Proposed Bills.** Any senator-elect or representative-elect, after

the day of his election, may file with the director of legislative services any proposed bill he desires to introduce. The director shall notify, immediately after the biennial election, each senator-elect and representative-elect of the provisions of this section and of the bill drafting service available in the office of legislative services. The director of legislative services shall cause eleven hundred copies of each bill to be printed, and, with the approval of the sponsor, he shall make copies available to persons who request them.

47:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved March 13, 1969.]

[Effective date May 12, 1969.]

CHAPTER 48.

AN ACT CORRECTING CERTAIN TECHNICAL ERRORS IN THE CHAPTER ON TAXES
ON TRANSFER OF REAL PROPERTY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

48:1 Correction. Amend RSA 78-B:1 (supp) as inserted by 1967, 320:1 by striking out in line three the words "interstate succession and decent" and inserting in place thereof the following (intestate succession and descent) so that said section as amended shall read as follows: **78-B:1 Transfer Tax.** A tax is imposed upon the sale, granting, and transfer of real estate and any interest therein, other than by devise or by the laws regulating intestate succession and descent. The rate of the tax is ten cents per one hundred dollars, or fractional part thereof, of the price or consideration for such sale, grant, or transfer; except that where the price or consideration is less than one hundred dollars there shall be no tax, and, except as exempted by section 2 of this chapter.

48:2 Correction. Amend RSA 78-B:2 (d) (supp) as inserted by 1967, 320:1 by striking out in said subparagraph after the word "discharge" the word "or" and inserting in place thereof the word (of) so that said subparagraph as amended shall read as follows: (d) to a discharge of mortgage or other instrument solely to release security for a debt or obligation:

48:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved March 13, 1969.]

[Effective date May 12, 1969.]

CHAPTER 49.

AN ACT PERMITTING CITIES AND TOWNS TO PROVIDE AMBULANCE SERVICES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

49:1 Appropriation by Towns. Amend RSA 31:4 by inserting after paragraph XL (supp) the following new paragraph: XLI. Ambulance

Service. To aid, support, provide, and maintain ambulance service; to defray the expenses of, contribute toward and appropriate funds for ambulance services.

49:2 Effective Date. This act shall take effect upon passage.

[Approved March 13, 1969.]

[Effective date March 13, 1969.]

CHAPTER 50.

AN ACT RELATIVE TO THE EXPIRATION DATE OF SNOWMOBILE REGISTRATIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

50:1 Date Changed. Amend RSA 262:47 (supp) as inserted by 1967, 450:1 by striking out in lines three through six the words "No snow traveling vehicle shall be registered until the registrant has obtained a permit to register in the same manner as in the case of motor vehicles as prescribed in RSA 260:22 and pay the fees prescribed in RSA 260:27" and inserting in place thereof the following: (No person registering a snow traveling vehicle shall be required to obtain a town permit as in the case of registering a motor vehicle as prescribed in RSA 260:22, and the town clerk of each town shall prepare an application for registration of a snow traveling vehicle for a fee of fifty cents) so that said section as amended shall read as follows: **262:47 Registration.** No snow traveling vehicle shall be operated in this state unless registered under this chapter, except as otherwise provided. No person registering a snow traveling vehicle shall be required to obtain a town permit as in the case of registering a motor vehicle as prescribed in RSA 260:22, and the town clerk of each town shall prepare an application for registration of a snow traveling vehicle for a fee of fifty cents. The provisions of RSA 262:30 shall not apply. The director of motor vehicles is authorized to register such snow traveling vehicle and issue a registration certificate and assign a registration number plate to such vehicle. All such registrations shall expire at the end of June thirty in each year. The director of motor vehicles shall receive a fee of six dollars for each registration issued hereunder, two dollars of which shall be retained by the division of motor vehicles to defray expenses incurred in connection with the manufacture and issuance of registration plates; four dollars shall be transferred to the fish and game department of the state of New Hampshire.

50:2 Registrations Extended. Any registration issued pursuant to RSA 262:47 (supp), as inserted by 1967, 450:1, that would expire on March 31, 1969, is hereby extended to and declared to be valid until June 30, 1969.

50:3 Effective Date. This act shall take effect upon its passage.

[Approved March 13, 1969.]

[Effective date March 13, 1969.]

CHAPTER 51.

AN ACT INCREASING THE APPROPRIATION FOR THE REPAIRING OF ASHLAND DAM.

Be it Enacted by the Senate and House of Representatives in General Court convened:

51:1 Additional Appropriation. Amend the unnumbered introductory paragraph of Laws of 1967, 394:1 by striking out in line one the words "seventy-nine" and inserting in place thereof the words (eighty-seven) so that said unnumbered paragraph, as amended, shall read as follows: **394:1 Appropriation.** The sum of seven million, eighty-seven thousand, nine hundred sixty dollars is hereby appropriated for the purpose of capital improvements and long term repairs, which purpose includes such related improvements, facilities, and equipment and furnishings as are necessary to complete the same.

51:2 Water Resources. Amend Laws of 1967, 394:1, VII by striking out in line eight the words and numerals "Ashland Dam 15,000" and inserting in place thereof the words and numerals (Ashland Dam 23,000) and by striking out the total appropriation for water resources of "282,910" and inserting in place thereof the numerals (290,910) so that said paragraph, as amended, shall read as follows:

VII. Water resources:

Bow Lake	\$17,000
Milton Three Ponds	40,000
Souhegan, all sites	60,010
Baker River	76,000
Cold River	12,400
Baker River, recreation sites	62,500
Ashland Dam	23,000

290,910

51:3 Total. Amend Laws of 1967, 394:1 by striking out the total appropriation for section 1 reading "\$7,079,960" and inserting in place thereof the following numerals (\$7,087,960).

51:4 Bonds Authorized. Amend Laws of 1967, 394:8 by striking out in line four the words "seven hundred eighty" and inserting in place thereof the words (seven hundred eighty-eight) so that said section as amended shall read as follows: **394:8 Bonds Authorized.** To provide funds for the appropriations made in sections 1, 2 and 3 of this act the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of twenty-one million, seven hundred eighty-eight thousand, three hundred seventy-five dollars and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

51:5 Effective Date. This act shall take effect upon its passage.

[Approved March 18, 1969.]

[Effective date March 18, 1969.]

CHAPTER 52.

AN ACT RELATIVE TO THE 1969 APPROPRIATION FOR THE DIVISION OF PARKS.

*Be it Enacted by the Senate and House of Representatives in General Court convened:***52:1 Appropriation Increased.** Amend Laws of 1967, 380:1 in the appropriation for the division of parks by striking out in the appropriation for self-supporting parks the following:

“Personal services:

Permanent	\$422,734
Other	170,000

Total	\$592,734
Current expenses*	147,000

*This appropriation includes \$28,000 for insurance which shall not be transferred or expended for any other purpose.”

and inserting in place thereof the following:

(Personal services:

Permanent	\$407,734
Other	205,000

Total	\$612,734
Current expenses*	172,000

*This appropriation includes \$33,500 for insurance which shall not be transferred or expended for any other purpose.)

52:2 Appropriation Decreased. Amend Laws of 1967, 380:1 in the appropriation for the division of parks by striking out in the appropriation for bonds and interest the following:

“Estimate re issue of 1968	45,000
Total bonds and interest	759,933”

and inserting in place thereof the following:

(Total bonds and interest	714,933)
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52:3 Effective Date. This act shall take effect upon its passage.

[Approved March 19, 1969.]

[Effective date March 19, 1969.]

CHAPTER 53.AN ACT RELATIVE TO THE POWER OF THE DIRECTOR OF FISH AND GAME
FOR THE PROTECTION OF DEER HERDS.*Be it Enacted by the Senate and House of Representatives in General Court convened:***53:1 Director's Power.** Amend RSA 208:4-a as inserted by 1963, 298:3 by inserting in line two after the words “section 2” the following (or any

other provision of the law) and by striking out in line six the word "one" and inserting in place thereof the word (three) so that said section as amended shall read as follows: **208:4-a Protection of Herd.** Notwithstanding the provisions of section 2 or any other provision of the law, the director of fish and game, whenever he shall deem such action necessary to protect and conserve the deer herd of the state, shall have the authority to close any section of the state to hunting and taking deer. Any person hunting and taking deer from an area of the state closed to such hunting and taking hereunder shall be fined not more than three hundred dollars.

53:2 Scope of Authority. Amend RSA 208:4-b (supp) as inserted by 1965, 290:1 by inserting in the second line after the words "section 2" the following words (or any other provision of the law) so that said section as amended shall read as follows: **208:4-b Power of Director.** Notwithstanding the provisions of section 2 or any other provision of the law, the director of fish and game, when in his judgement this is necessary to insure the welfare of the herd, shall have the authority to order the reduction of its numbers on any island in the state by the most expedient means at his command.

53:3 Repeal. Chapter 16 of the Laws of 1925 relative to open season for hunting is hereby repealed.

53:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved March 27, 1969.]

[Effective date May 26, 1969.]

CHAPTER 54.

AN ACT RELATIVE TO TAX EXEMPTION FOR TOTALLY DISABLED VETERANS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

54:1 — Total Disability. Amend RSA 72:35 (supp), as amended by 1955, 283:1; 1963, 174:1, and 1967, 219:6, by striking out in lines seven and nine the words "four hundred" and inserting in place thereof the following (six hundred) so that said section as amended shall read as follows: **72:35 — Total Disability.** If any person, qualified as defined in section 28 of this chapter, shall be totally and permanently disabled from service connection and satisfactory proof of such service connection is furnished to the assessors, or if such person be a double amputee or paraplegic as a result of service connection, he or his wife or widow shall be exempt each year from taxation upon his or her real or personal property in the amount of six hundred dollars in taxes under the conditions set forth in sections 28, 30, 31 and 32 of this chapter; provided that, in the case of undivided ownership, the limit of exemption shall be six hundred dollars as regards the interest of such entitled persons therein; and provided further that, if a person, qualified as defined in section 28 of this chapter who is a double amputee or paraplegic as a result of service connection and owns a specially

adapted homestead which has been acquired with the assistance of veterans administration he shall be exempt from all taxation on said homestead.

54:2 Effective Date. This act shall take effect April 1, 1969.

[Approved March 27, 1969.]

[Effective date April 1, 1969.]

CHAPTER 55.

AN ACT RELATIVE TO THE PROCEDURE FOR CLAIMING VETERANS' PROPERTY TAX EXEMPTIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

55:1 Filing Permanent Application. Amend RSA 72:33 by striking out said section and inserting in place thereof the following:

72:33 — Application for Exemption.

I. No person shall be entitled to the exemptions provided by sections 28, 29-a, 30, 31, 32, 35, 36-a and 37 unless he shall have filed with the selectmen or assessors, on or before April fifteenth of some year, a permanent application therefor signed under penalty of perjury, on a form approved and provided by the state tax commission showing that the applicant is duly qualified and is the true and lawful owner of the property on which the exemption is claimed. Any person who changes his residence after filing such a permanent application shall file an amended permanent application on or before the April fifteenth immediately following his change of residence. If any person, otherwise qualified to receive an exemption, shall satisfy the selectmen or assessors that he was prevented by accident, mistake or misfortune from filing a permanent application or amended permanent application on or before April fifteenth of the year in which he desires the exemption to begin, said officials may receive said application at a later date and grant an exemption thereunder for that year; but no such application shall be received or exemption granted after the local tax rate has been approved for that year.

II. All persons claiming exemption in years succeeding the first application must apply for exemption annually on an inventory blank as provided in RSA 74:4.

55:2 Filing Annually. Amend RSA 74:4 (supp) as amended by 1961, 270:4 by striking out said section and inserting in place thereof the following: **74:4 Inventory Blanks.** The inventory blanks shall be so arranged and formulated as to require, under penalty of perjury, from the person or corporation to be taxed, in answer to interrogatories therein stated, (a) a statement from each person who is claiming a property tax exemption under RSA 72:28, 29-a, 30, 31, 32, 35, 36-a or 37 that he is applying for said exemption and is entitled thereto, (b) a description of all real estate taxable to the person or corporation, (c) a statement of the gross amount or quantity of each class of personal property for which he or it is taxable, except boats which are not stock in trade, (d) such other information as will enable the selectmen or assessors to assess all the taxable

property of such person or corporation and at its true value, and (e) a list of the shares in railroad corporations of this state owned by such person or corporation. The blanks shall require the owner's estimate of the value of his stock in trade, but not of his other property. The blank shall also require the owner's estimate of the amount and kind of merchantable wood and timber owned by him and standing on the land of another.

55:3 Effective Date. This act shall take effect April 1, 1970.

[Approved March 27, 1969.]

[Effective date April 1, 1970.]

CHAPTER 56.

AN ACT RELATIVE TO TAX EXEMPTION OF WIDOWS OF MEN KILLED ON ACTIVE DUTY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

56:1 Widows. Amend RSA 72:29-a (supp) as inserted by 1963, 174:2 and amended by 1967, 219:3 by striking out in line seven the word "four" and inserting in place thereof the word (six) so that said section as amended shall read as follows: **72:29-a Widows.** The widow of any person who was killed or died while on active duty in the armed forces of the United States or any of the armed forces of any of the governments associated with the United States in the wars, conflicts or armed conflicts, or combat zones set forth in section 28, so long as she remains his widow, shall be exempt each year from taxation upon her real and personal property, whether residential or not, in the amount of six hundred dollars in taxes.

56:2 Effective Date. This act shall take effect April 1, 1969.

[Approved March 27, 1969.]

[Effective date April 1, 1969.]

CHAPTER 57.

AN ACT CREATING A COMMISSION TO STUDY APPROVED NON-PUBLIC SCHOOL PROBLEMS IN THE STATE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

57:1 Approved Non-Public School Study Commission. An approved non-public school study commission of fifteen members, taken from the general public and representing diversified segments of society, is hereby established to examine, evaluate and make recommendations relating to approved non-public school problems and their impact upon the respective communities in which said approved non-public schools are located. The commission shall be appointed as follows: Five members each shall be appointed by the speaker of the house of representatives, the president of the

senate and the governor. The members shall not be entitled to any salary, but are entitled to reimbursement for actual expenses incurred in the performance of their duties under this act.

57:2 Duties. The commission shall study among other things: (1) The desirability of maintaining a dual system of education; (2) the question of whether or not the state may give assistance, financial or otherwise, to the approved nonpublic schools of the state; (3) the number of approved nonpublic schools that may be in danger of being forced to close in the near future due to lack of adequate financial support; (4) the impact that the closing of an approved nonpublic school will have on particular communities and their public school systems; and (5) the ways in which the state may help communities prepare for and solve the problems incident to the closing of an approved nonpublic school, and (6) the transfer of nonpublic real property to the school district.

57:3 Report and Recommendations. The Commission shall submit an interim report by May first to the 1969 session of the legislature.

57:4 Appropriation. The sum of fifteen hundred dollars is appropriated for the purposes of this act. The governor is authorized to draw his warrant for this appropriation out of any money in the treasury not otherwise appropriated.

57:5 Effective Date. This act shall take effect upon its passage.

[Approved March 27, 1969.]

[Effective date March 27, 1969.]

CHAPTER 58.

AN ACT TO PROHIBIT MOTORBOATS ON BIG AND LITTLE CHERRY PONDS IN JEFFERSON.

Be it Enacted by the Senate and House of Representatives in General Court convened:

58:1 Motorboats Prohibited. Amend RSA 486 by inserting after section 7 the following new section: **486:8 Big and Little Cherry Ponds in Jefferson.** On and after the date of the passage of this act, no person shall use or operate any motorboat or other boat equipped with an outboard motor on the waters of the Big Cherry Pond or Little Cherry Pond in the town of Jefferson. Whoever violates the provisions of this section shall be fined not more than fifty dollars.

58:2 Effective Date. This act shall take effect upon its passage.

[Approved April 4, 1969.]

[Effective date April 4, 1969.]

CHAPTER 59.

AN ACT CHANGING THE DEADLINE FOR SUBMISSION OF ARTICLES TO BE INSERTED
IN THE WARRANT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

59:1 Deadline Changed to Thirty-five Days Before the Town Meeting. Amend RSA 39:3 by striking out in line three the word "twenty-five" and inserting in place thereof the word (thirty-five) so that said section as amended shall read as follows: 39:3 Articles. Upon the written application of ten or more voters or one sixth of the voters in town, presented to the selectmen or one of them at least thirty-five days before the day prescribed for an annual or biennial meeting, the selectmen shall insert in their warrant for such meeting any subject specified in such application. Upon the written application of fifty or more voters or one fourth of the voters in town, so presented not less than sixty days before the next annual meeting, the selectmen shall warn a special meeting to act upon any question specified in such application. The word "voters" in this section shall mean persons listed as such in the last previous revision of the check-list.

59:2 Repeal of Redundant Section. Repeal RSA 39:3-a (supp) as inserted by 1963, 110:1.

59:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 4, 1969.]

[Effective date June 3, 1969.]

CHAPTER 60.

AN ACT PROVIDING FOR THE APPOINTMENT OF CERTAIN OFFICERS AT ADDITIONAL
POLLING PLACES AND AUTHORIZING THE ADMINISTRATION OF CERTAIN OATHS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

60:1 Appointment of Assistant Moderator and Assistant Clerk. Amend RSA 59:48 by striking out said section and inserting in place thereof the following: 59:48 Officers. The moderator shall appoint an assistant moderator and the town clerk shall appoint an assistant clerk, who shall be residents of the voting district, for each additional polling place and said assistant moderator shall have the power to administer the oath of office to all election officials at the additional polling place. The selectmen shall appoint for each additional polling place four inspectors of election, who shall be residents of the voting district, and who shall be qualified in the same manner as such officers are for the central polling place. The duties of such officers shall be the same as the duties of like officers at the central polling place except as herein otherwise provided. The officers so appointed

shall be sworn in by the assistant moderator before entering upon their duties.

60:2 Effective Date. This act shall take effect upon its passage.

[Approved April 4, 1969.]

[Effective date April 4, 1969.]

CHAPTER 61.

AN ACT TO AUTHORIZE TOWN TREASURERS TO APPOINT DEPUTY TOWN TREASURERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

61:1 Deputy Treasurer. Amend RSA 41 by inserting after section 29 (supp) the following new section: **41:29-a Deputy treasurer.** Any town may, under an article in the warrant for the annual town meeting, vote to authorize the treasurer, with the approval of the selectmen, to appoint a deputy treasurer. Said deputy shall be sworn, shall have the powers of the treasurer, may be removed at the pleasure of the treasurer, and shall, before entering upon the duties of his office, give bond as provided in section 6 of this chapter.

61:2 Optional Provisions. Amend RSA 41:55 by striking out in line four the words "the superior court may, upon application of the selectmen" and inserting in place thereof the following (the selectmen may, unless the town has voted to adopt the provisions of RSA 41:29-a,) so that said section as amended shall read as follows: **41:55 Town Treasurer.** If any person holding the office of town treasurer shall, by reason of illness, accident, absence from the state or other cause, become temporarily incapacitated and unable to perform the duties of his office, the selectmen may, unless the town has voted to adopt the provisions of RSA 41:29-a, declare a temporary vacancy and appoint an acting town treasurer to perform the duties of the office for a limited period of time, and fix his compensation and the amount of his bond. Said appointee shall be subject to the requirements and liabilities of such office during his term.

61:3 Effective Date. This act shall take effect upon its passage.

[Approved April 4, 1969.]

[Effective date April 4, 1969.]

CHAPTER 62.

AN ACT RELATIVE TO THE LARCENY OF DEER, OR BEAR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

62:1 Larceny of Deer or Bear. Amend RSA 208 by inserting after section 9 (supp) the following new section: **208:9-a Larceny of Deer or Bear.** Any person who shall steal, take and carry away a deer, bear or any part

thereof, of another without permission shall be fined not more than three hundred dollars nor imprisoned more than six months or both.

62:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 4, 1969.]

[Effective date June 3, 1969.]

CHAPTER 63.

AN ACT INCREASING FEES OF AGENTS FOR ISSUANCE OF FISH AND GAME LICENSES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

63:1 Fish and Game License Fees. Amend RSA 214:15, as amended by 1959, 254:3 and 1961, 32:3, by striking out in line two the word "twenty-five" and inserting in place thereof the word (fifty) so that said section as amended shall read as follows: **214:15 Agent's Accounting.** The agent shall collect from the licensee a fee of fifty cents for each license issued and shall account to the director for the full face value of the licenses. He shall on the first day of each month, pay to the director the full face value of all licenses sold and shall report the names and addresses of all persons to whom licenses have been sold and such other information as may be requested on blanks to be furnished by the director.

63:2 Agent's Fees. Amend the introductory paragraph of RSA 214:9 by striking out in line three the word "twenty-five" and inserting in place thereof the word (fifty) so that said paragraph as amended shall read as follows: The applicant shall fill out and subscribe to a blank to be furnished by the director and pay the agent the following fees, in addition to the fee of fifty cents, as provided in section 15.

63:3 Clams and Oysters. Amend RSA 211:62-a (supp) as inserted by 1959, 194:2 and amended by 1967, 383:1, by striking out in line eleven the word "twenty" and inserting in place thereof the word (fifty) and by striking out in line thirteen the word "twenty" and inserting in place thereof the word (fifty) so that said section as amended shall read as follows: **211:62-a Licenses for Taking.** No person shall at any time take clams, clam worms or oysters unless he is a resident of the state and he has been duly licensed as provided in this section, provided that a resident of the state may take from any public tidal area which is not specifically posted to the contrary by the fish and game department, not over one quart of clam worms during any one day for his own use without a license therefor and no rules or regulations shall be made by the director of the fish and game department inconsistent with this provision. Any resident of this state shall, upon application to the director of the fish and game department, be granted a license to take clams or clam worms or oysters upon payment of a fee of four dollars and fifty cents for any one of said licenses except resident persons under the age of twelve the fee shall be two dollars and fifty cents. Such licenses shall be issued for the current calendar year. The director of the fish and game department shall make readily available such licenses as are covered by this section through its regular outlets.

63:4 Increase of Fees. Amend RSA 211:62-b (supp) as inserted by 1961, 186:1 and amended by 1967, 383:2 by striking out in line three the word "twenty" and inserting in place thereof the word (fifty) so that said section as amended shall read as follows: **211:62-b Agents' Fees.** Agents who are authorized to issue licenses under the provisions of section 62-a shall be entitled to retain for each such license the sum of fifty cents and shall remit to the fish and game department the balance of the fee, namely, four dollars and two dollars respectively depending on the age of the applicant.

63:5 Effective Date. This act shall take effect January 1, 1970.

[Approved April 4, 1969.]

[Effective date January 1, 1970.]

CHAPTER 64.

AN ACT RELATIVE TO THE ISSUANCE OF SPECIAL FISHING PERMITS BY CERTAIN STATE INSTITUTIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

64:1 Veterans Hospitals; Crotched Mountain Rehabilitation Center. Amend RSA 214:14 as amended by 1963, 88:1 by striking out said section and inserting in place thereof the following: **214:14 Patients at Veterans Hospitals; Crotched Mountain Rehabilitation Center.** Patients of the veterans hospitals at White River Junction, Vermont and Manchester, New Hampshire, and the Crotched Mountain Rehabilitation Center at Greenfield, New Hampshire, may fish without a license on a special permit issued by the doctor in charge when such form of recreation may be of therapeutic benefit to such patients, provided that no such special permit shall be valid for a period longer than the length of residency at the hospital of the patient to whom the special permit is issued. Patients fishing under the provisions of this section shall be under the direct supervision of the recreation supervisor, or his designate, of said hospitals. The fish and game director shall furnish permit forms to said hospitals at their request, to be filled out when issued. The number of permits issued shall be reported to the director once each year as he shall direct.

64:2 Other Institutions. Amend RSA 214:14-a as inserted by 1963, 88:2 by striking out said section and inserting in place thereof the following: **214:14-a Residents at Certain State Institutions.** Residents at the Laconia State School, the New Hampshire Hospital in Concord, the Glencliff Sanatorium and the New Hampshire Soldiers Home in Tilton may fish without a license on a special permit issued by the superintendent of any such institution when such form of recreation may be of therapeutic benefit to such residents, provided that no such special permit shall be valid for a period longer than the length of residency at the institution of the resident to whom the special permit is issued. The determination of benefit to said residents shall be made upon recommendation of a director in charge at the institution. Residents fishing under the provisions of this section shall be under the direct supervision of an employee of said institution. The

fish and game director shall furnish permit forms to such institutions at their request to be filled out when issued. The number of permits issued shall be reported to the director once each year as he shall direct.

64:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 4, 1969.]

[Effective date June 3, 1969.]

CHAPTER 65.

AN ACT RELATIVE TO FILING DECLARATIONS OF CANDIDACY FOR DELEGATE TO A NATIONAL CONVENTION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

65:1 National Convention Delegates. Amend RSA 57:5 by striking out the words (or file with him a petition containing one hundred names of legal voters) in lines five and six so that said section as amended shall read as follows: **57:5 Declaration of Candidacy.** The name of a candidate shall not be printed upon any such ballot unless not more than sixty nor less than thirty days before the primary he files with the secretary of state a declaration of candidacy, and unless he, or some person for him, shall pay to the secretary of state a filing fee of ten dollars requesting that his name be placed on the primary ballot; provided, that vacancies on the primary ballot of any party may be filled as provided in section 7 hereof. The number of days herein given shall include Sundays and shall end on the day before the primary at six o'clock in the afternoon.

65:2 Effective Date. This act shall take effect January 1, 1972.

[Approved April 4, 1969.]

[Effective date January 1, 1972.]

CHAPTER 66.

AN ACT TO PROVIDE FOR BIENNIAL HEARING BEFORE FISH AND GAME COMMISSION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

66:1 Fish and Game Director, Powers of. Amend RSA 206:11 (supp) as amended by 1955, 32:1 and 1967, 16:1, by striking out said section and inserting in place thereof the following: **206:11 — Hearings as to.** Once each biennium, on the odd numbered year, the director shall hold public hearings for the purpose of hearing testimony relative to changes in the fishing rules and regulations or upon any other subject with respect to his duties. Such hearing shall be held at the superior court house in Concord commencing at 10:00 a.m. on the first Monday in June, and at the superior court house at Lancaster on the following Friday commencing at 10:00 a.m.

All suggested changes in the fishing rules and regulations proposed by the fish and game department, and any other suggested changes proposed by any person, or persons that the department may have knowledge of, shall be published at least twice in two newspapers having general circulation throughout the state, and in such other newspapers, magazines, or circulars as the director may deem desirable to appraise the public of the agenda, between the dates of May first and May thirtieth immediately prior to the public hearings. In order for the director with the approval of the commission, to promulgate rules and regulations changes under the authority conferred by this section, it shall be mandatory that the subject matter to be changed is to have appeared on the published agenda hereinbefore described. It shall be the duty of the members of the commission to be in attendance at such hearings. In the event of the illness of the director, or a majority of the commission not being present, or other unforeseen contingency, such hearings shall be adjourned or postponed. In the event of such adjournment or postponement, notice of the time of subsequent hearing shall be posted at such court house and given such other publicity as the director shall deem proper to give adequate notice thereof to interested parties. The director may in his discretion conduct other public or private hearings throughout the year upon petition of interested parties. At the biennial hearings held at Concord and Lancaster and at other public hearings that the director shall hold in accordance with the provisions of this section, any person having any testimony to present which bears upon the power and authority of the director under the provisions of this title, shall be given full opportunity to be heard, and the director shall cause a complete stenographic record to be kept of all testimony taken.

66:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 4, 1969.]

[Effective date June 3, 1969.]

CHAPTER 67.

AN ACT REQUIRING THAT PERAMBULATIONS OF TOWN LINES BE FILED WITH THE SECRETARY OF STATE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

67:1 Perambulations. Amend RSA 51:4 by striking out in line four the following "and recorded in the respective town books" and inserting in place thereof the following (recorded in the respective town books, and filed with the secretary of state) so that said section as amended shall read as follows: **51:4 — Return.** A return of the perambulation shall be made, particularly describing the courses and distances and the marks and monuments of such line, which shall be signed by the selectmen or persons making the same, recorded in the respective town books, and filed with the secretary of state.

67:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 4, 1969.]

[Effective date June 3, 1969.]

CHAPTER 68.

AN ACT TO INCREASE MAXIMUM PENALTY FOR VIOLATING TOWN BY-LAWS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

68:1 Town By-laws. Amend RSA 31:39 by striking out in line nineteen the word "ten" and inserting in place thereof the word (fifty) so that said section as amended shall read as follows: **31:39 Purposes and Penalties.** Towns may make by-laws for the care, protection, preservation and use of the public cemeteries, parks, commons, libraries and other public institutions of the town; for the prevention of the going at large of horses and other domestic animals in any public place in the town; for the observance of Memorial Day, whereby interference with and disturbance of the exercises for such observance, by processions, sports, games or other holiday exercises, may be prohibited; to regulate the use of mufflers upon boats and vessels propelled by gasoline or naphtha and operating upon the waters within the town limits; respecting the kindling, guarding, and safekeeping of fires, and for removing all combustible materials from any building or place, as the safety of property in the town may require; respecting the collection, removal and destruction of garbage and other waste materials; to regulate the operation of vehicles, except by railways as common carriers, upon their streets, to regulate the conduct of public dances; to regulate the conduct of roller skating rinks; and for making and ordering their prudential affairs. They may appoint all such officers as may be necessary to carry the by-laws into effect, and may enforce their observance by suitable penalties not exceeding the fifty dollars for each offense, to enure to such uses as they may direct.

68:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 4, 1969.]

[Effective date June 3, 1969.]

CHAPTER 69.

AN ACT RELATIVE TO GENERAL HOUSEKEEPING CHANGES IN THE LAWS CONCERNING THE STATE BOARD OF EDUCATION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

69:1 Repeal. RSA 186:11, V relative to certifying the number of pupils enrolled in public schools is hereby repealed.

69:2 Certification of Teachers. Amend RSA 186:11, X by striking out said paragraph and inserting in place thereof the following: **X. Teacher Certification.** Establish certification regulations as circumstances require and examine the qualifications of candidates for teachers, supervisors and administrators in the public schools and issue certificates to those who meet the requirements of said regulations.

69:3 Recognizing Non-public Schools. Amend RSA 186:11, XXIX by striking out said paragraph and inserting in place thereof the following: **XXIX. Non-public Schools.** Establish reasonable criteria for approving non-public schools for the purpose of compulsory attendance requirements, and upon request designate such schools which meet those criteria.

69:4 Repeal. RSA 186:25-34 inclusive as amended by 1959, 182:1 relative to examination of candidates for teachers are hereby repealed.

69:5 Repeal. RSA 186:35-38 inclusive relative to teachers' institutes are hereby repealed.

69:6 Proceeds From Sale of Certain State Lands. Amend RSA 186 by inserting after section 7 the following new section: **186:7-a Special Teacher Competence Fund.** The state treasurer shall invest as a permanent fund the proceeds of the sale of the state lands affected under the authority of a joint resolution approved June 28, 1867 and the annual income thereof may be used by the state board of education for any activity calculated to increase the professional competence of the teachers of New Hampshire.

69:7 Handicapped Children. Amend RSA 186-A:11 (supp) as inserted by 1965, 378:1 by striking out in line two the word "remedial" and by striking out in line six the words "a remedial" and inserting in line six in place thereof the word (an) so that said section as amended shall read as follows: **186-A:11 State Aid.** The state board of education is authorized to promulgate a program setting forth standards for education for handicapped children and to pay over to any school district, or private organization operating such an approved program, certain sums to pay a portion of the actual cost of the education of each New Hampshire resident child in such an education program, so long as said program meets the standards set by the state board of education and so long as funds are appropriated for the purpose.

69:8 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 4, 1969.]

[Effective date June 3, 1969.]

CHAPTER 70.

AN ACT RELATIVE TO PROCEDURE FOR ANNEXATION OF A SCHOOL DISTRICT TO A COOPERATIVE SCHOOL DISTRICT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

70:1 Special Meeting. Amend RSA 195:16 by inserting after paragraph III the following new paragraph: **III-a.** Within sixty days after the board

has issued its certificate of the lawful annexation of such pre-existing school district to the cooperative school district, the board shall fix a time and place for a special meeting of the qualified voters within the districts, and shall prepare the warrant for the meeting after consultation with school boards of the pre-existing school district and cooperative school district. The warrant shall include articles for the election of a school board member or members from the annexed school district and other items of business that require action under the terms of the articles of annexation. The warrant shall be under the hand of the commissioner, in the name of the board, and the commissioner shall cause attested copies of same to be posted at least fourteen days before the meeting in three public places in each district and a copy of the same to be published at least one week before the date of the meeting in some newspaper generally circulated within the cooperative school district. The expense of posting and publishing the warrant shall be paid by the state. The agent or agents of the commissioner who post and cause publication of the warrant shall make a return thereof, which, with the warrant, shall be made a part of the district records. The meeting shall be called to order by the moderator of the cooperative school district. This meeting shall have the same power and authority as an annual meeting with reference to the raising or appropriating of money. At this meeting and at all future special and annual meetings, qualified voters of the annexed district are eligible for participation in all matters of the cooperative school district.

70:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 4, 1969.]

[Effective date June 3, 1969.]

CHAPTER 71.

AN ACT AUTHORIZING THE DIRECTOR TO MAKE REGULATIONS RELATIVE TO IMPORTING OR RELEASING WILD LIFE IN THIS STATE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

71:1 Permit Required. Amend RSA 207:14 as amended by 1963, 164:1 by striking out said section and inserting in place thereof the following new section: **207:14 Importing and Releasing.** Except as provided by section 14-a no living fish or the fry thereof, no living wild bird or the eggs thereof, and no living wild animal shall be brought into this state by any person, for sale or release therein, from any other state or country without first procuring a permit from the director so to do. The fee for such permit shall be five dollars. The director shall have the right to refuse to issue a permit for such entry into this state upon a finding that their introduction would be detrimental to the best interests of the state.

71:2 Reasonable Classification Amend RSA 207 by inserting after section 14 the following new section: **207:14-a Director's Power to Regulate.** The director may with the approval of the commission establish a list al-

lowing certain living fish or the fry thereof, certain living wild birds or the eggs thereof, or certain living wild animals to be brought into this state, for the sale or release therein, from any other state or country without obtaining a permit as required by section 14.

71:3 Effective Date This act shall take effect sixty days after its passage.

[Approved April 4, 1969.]

[Effective date June 3, 1969.]

CHAPTER 72.

AN ACT DEFINING A HANDICAPPED CHILD.

Be it Enacted by the Senate and House of Representatives in General Court convened:

72:1 Handicapped Child Defined. Amend RSA 186-A:2, IV (supp) as inserted by 1965, 378:1 by striking out said paragraph and inserting in place thereof the following: IV. "Handicapped child" shall mean any child who is handicapped by one or more of the above defined handicaps.

72:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 4, 1969.]

[Effective date June 3, 1969.]

CHAPTER 73.

AN ACT RELATIVE TO APPLICATION OF OLD AGE AND SURVIVORS INSURANCE RELATIVE TO OFFICIALS OF POLITICAL SUBDIVISIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

73:1 Definitions. Amend RSA 101:2, II as amended by 1955, 301 part II:2 and 1957, 48:2 by inserting in line sixteen after the word "subdivision" the following (Notwithstanding any other provision of this paragraph, a political subdivision of the state may at the option of said political subdivision modify its plans submitted under section 5 to exclude service performed by election officials or election workers if the remuneration paid in a calendar quarter for such service is less than fifty dollars. Notwithstanding any other provision of this paragraph, a political subdivision of the state submitting plans under section 5, may at the option of said political subdivision include or exclude service performed by election officials or election workers if the remuneration paid in a calendar quarter for such service is less than fifty dollars) so that said paragraph as amended shall read as follows: II. The term "employment" means any service performed by an employee or official in the employ of the state, or any political sub-

division thereof, for such employer, except (1) service which in the absence of an agreement entered into under this act would constitute "employment" as defined in the Social Security Act; or (2) service which under the Social Security Act may not be included in an agreement between the state and the Secretary of Health, Education and Welfare entered into under this act; or (3) service performed by members and those eligible to be members of the policemen's retirement system or firemen's retirement system; or (4) service of an emergency nature; or (5) service performed by a student as provided in section 218 (c) (5) of the Social Security Act; or (6) service in any class or classes of positions filled by popular election and any class or classes of positions the compensation for which is on a fee basis, performed (A) by an employee of the state, or (B) as so provided in the plans submitted under section 5, by a political subdivision of the state, by an employee of such subdivision. Notwithstanding any other provision of this paragraph, a political subdivision of the state may at the option of said political subdivision modify its plans submitted under section 5 to exclude service performed by election officials or election workers if the remuneration paid in a calendar quarter for such service is less than fifty dollars. Notwithstanding any other provision of this paragraph, a political subdivision of the state submitting plans under section 5, may at the option of said political subdivision include or exclude service performed by election officials or election workers if the remuneration paid in a calendar quarter for such service is less than fifty dollars. Service which under the Social Security Act may be included in an agreement only upon certification by the governor in accordance with section 218 (d) (3) of that act shall be included in the term "employment" if and when the governor issues, with respect to such service, a certificate to the Secretary of Health, Education and Welfare pursuant to paragraph II of section 10 hereof:

73:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 4, 1969.]

[Effective date June 3, 1969.]

CHAPTER 74.

AN ACT RELATIVE TO DISTRIBUTION OF PARI-MUTUEL TAXES TO AGRICULTURAL FAIRS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

74:1 Requirements for Distribution. Amend RSA 284:25 by striking out in line five the word "five" and inserting in place thereof the word (fifteen); and by adding at the end of said section the words (Provided, that no agricultural fair shall be eligible for a distribution pursuant to this section unless said agricultural fair offers premiums in at least three of the following areas: contests, exhibits or displays of domestic livestock, household products, farm crops, or projects submitted by members of 4-H clubs or other similar groups.) so that said section as amended shall read as follows: **284:25 — Distribution to Agricultural Fairs.** The portion of the tax on pari-mutuel pools to be distributed for the promotion of agri-

culture, as provided in section 23 hereof, shall be distributed by the commissioner of agriculture in accordance with the following plan as to all agricultural fairs holding yearly exhibitions in the state and paying premiums of fifteen hundred dollars or more annually. Each year a payment of one hundred dollars shall be paid to all such agricultural fairs. The balance of said fund shall be distributed prorata to said fairs based on the amount of competitive or educational agricultural premiums paid in the preceding calendar year by said fair. In determining the premiums paid the commissioner shall take into consideration the premiums paid for contests, exhibits or displays of domestic livestock, household products, farm crops, and those made by 4-H clubs or other similar groups. Provided, that no agricultural fair shall be eligible for a distribution pursuant to this section unless said agricultural fair offers premiums in at least three of the following areas: contests, exhibits or displays of domestic livestock, household products, farm crops, or projects submitted by members of 4-H clubs or other similar groups.

74:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 4, 1969.]

[Effective date June 3, 1969.]

CHAPTER 75.

AN ACT TO QUALIFY THE SMALL BUSINESS ADMINISTRATION TO BE AN ORIGINATING OR PARTICIPATING LENDER UNDER COOPERATIVE BANKS AND BUILDING AND LOAN ASSOCIATION STATUTES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

75:1 Participation Loans. Amend RSA 393:23 as amended by 1959, 97:3 by striking out said section and inserting in place thereof the following: **393:23 Sales and Assignments.** It may sell, transfer, assign, purchase, and repurchase real estate mortgages, notes, or other securities and may collect and apply payments due upon and may otherwise service mortgage loans, notes, and other securities owned by others; provided that such loans, notes, and other securities are of such type and within such limits as are prescribed for direct investment by building and loan associations under this chapter. It may be an originating or participating lender in participating loans as defined in RSA 387:1 provided that its participation in such loans shall be within such limits as are prescribed for direct investments by building and loan associations under this chapter. The Small Business Administration, an agency of the United States, shall be deemed qualified by state law to be an originating lender or participating lender, within the meaning of this chapter and RSA 387:17-a.

75:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 4, 1969.]

[Effective date June 3, 1969.]

CHAPTER 76.**AN ACT RELATIVE TO TIME AND PLACE FOR HOLDING PROBATE COURT IN
ROCKINGHAM COUNTY.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

76:1 Rockingham. Amend RSA 549:1 by striking out said section and inserting in place thereof the following: **549:1 Rockingham.** The courts of probate shall be holden annually at the times and places following:

For the county of Rockingham, — at Exeter, on the first Tuesday of February, March, May, June, October, November, and December; on the second and fourth Tuesdays of January, February, April, May, June, July, September, October, and November; and the fourth Tuesday of March.

76:2 Effective Date. This act shall take effect upon its passage.

[Approved April 4, 1969.]

[Effective date April 4, 1969.]

CHAPTER 77.**AN ACT RELATIVE TO LANDOWNER'S DUTY OF CARE TO USERS OF SNOW
TRAVELING VEHICLES.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

77:1 Snow Traveling Vehicles. Amend RSA 212:34, I as inserted by 1961, 201:1 by inserting in line three after the words "water sports" the words (snow traveling vehicles) so that said paragraph as amended shall read as follows: I. An owner, lessee or occupant of premises owes no duty of care to keep such premises safe for entry or use by others for hunting, fishing, trapping, camping, water sports, snow traveling vehicles, hiking, or sightseeing, or to give any warning of hazardous conditions, uses of, structures, or activities on such premises to persons entering for such purposes, except as provided in paragraph III hereof.

77:2 Permission to Use. Amend RSA 212:34, II, as inserted by 1961, 201:1 by striking out said paragraph and inserting in place thereof the following: II. An owner, lessee or occupant of premises who gives permission to another to hunt, fish, trap, camp, hike, use snow traveling vehicles, or sightsee upon such premises, or use said premises for water sports, does not thereby (a) extend any assurance that the premises are safe for such purpose, or (b) constitute the person to whom permission has been granted the legal status of an invitee to whom a duty of care is owed, or (c) assume responsibility for or incur liability for any injury to person or property caused by any act of such person to whom permission has been granted except as provided in paragraph III hereof.

77:3 Business Invitee. Amend RSA 212:34, III, as inserted by 1961, 201:1 by striking out said paragraph and inserting in place thereof the following: III. This section does not limit the liability which otherwise exists (a) for wilful or malicious failure to guard or warn against a dan-

gerous condition, use, structure or activity; or (b) for injury suffered in any case where permission to hunt, fish, trap, camp, hike, use for water sports, use snow traveling vehicles or sightsee was granted for a consideration other than the consideration, if any, paid to said landowner by the state; or (c) for injury caused by acts of persons to whom permission to hunt, fish, trap, camp, hike, use for water sports, use snow traveling vehicles or sightsee was granted to third persons as to whom the person granting permission, or the owner, lessee or occupant of the premises, owed a duty to keep the premises safe or to warn of danger.

77:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 4, 1969.]

[Effective date June 3, 1969.]

CHAPTER 78.

AN ACT RELATIVE TO BAIL AND RECOGNIZANCE REFORM.

Be it Enacted by the Senate and House of Representatives in General Court convened:

78:1 Release on Personal Recognizance. Amend RSA 597:1 by striking out said section and inserting in place thereof the following: **597:1 When Allowed.** Except for capital offenses where the proof is evident or the presumption is great, all persons arrested for crime shall, before conviction, be released on personal recognizance or be bailable by sufficient sureties, whichever justice may require.

78:2 Court Direction. Amend RSA 597:2 by inserting in line three after the word "by" the words (personal recognizance) and by inserting in line four after the word "required" the words (as the court or justice may direct) so that said section as amended shall read as follows: **597:2 Form.** Whenever any person charged with a criminal offense is ordered by any court or justice to furnish bail for his appearance before the same or some other court he may do so by personal recognizance, recognizance with sufficient sureties, or by deposit of money equal to the amount of bail required as the court or justice may direct. Bail may be taken on Sunday.

78:3 Personal Recognizance in Superior Court. Amend RSA 597:4 by inserting in line five after the word "them" the words (may release said person on personal recognizance or) so that said section as amended shall read as follows: **597:4 In Superior Court.** If any person is charged with an offense punishable by death, or imprisonment for life or for twenty years or upward, the superior court or any justice thereof, upon application and notice to the attorney general or county attorney, and examination of such evidence as may be laid before them, may release said person on personal recognizance or may determine the amount of bail, and take the recognizance required, or authorize the clerk or any suitable justice to take it.

78:4 When Requirable. Amend RSA 597:5 by striking out said section and inserting in place thereof the following: **597:5 When Requirable.** Every court and justice may, when a person is accused of an offense in

which said court or justice is authorized to receive bail, release said person on personal recognizance or require him to recognize with sureties, to appear at a future time before himself or any other competent tribunal.

78:5 Conditions for Release on Personal Recognizance. Amend RSA 597 by inserting after section 6 the following new section:

597:6-a Conditions for Release on Personal Recognizance. Any person shall be eligible for, and in the case of misdemeanor, shall be entitled to, release on personal recognizance upon satisfying the court or bail commissioner before whom he seeks release, of the following conditions:

I. That he is of such condition, both physical and mental, that his release will jeopardize neither himself nor the public;

II. That his employment, family ties, and residence within the state or other sufficient connection with the state make his failure to appear unlikely;

III. That he has not, prior to his application, failed to appear in any court when required to do so;

IV. That no other special circumstance exists creating a likelihood that he would fail to appear.

78:6 Sufficiency of Personal Recognizance. Amend RSA 597:13 by adding in line four after the word "case" a semicolon and the words (provided, that this section shall not apply to release on personal recognizance upon a finding by the justice that such release is proper under the circumstances of the case) so that said section as amended shall read as follows: **597:13 Accepting Insufficient Bail, etc.** If a justice knowingly accepts insufficient bail, or fails to make return of his proceedings as required by law, he shall be liable to the same punishment as for aiding an escape in a like case; provided, that this section shall not apply to release on personal recognizance upon a finding by the justice that such release is proper under the circumstances of the case.

78:7 Witnesses. Amend RSA 597:22 (supp) as amended by 1959, 159:1 and 1965, 86:5 by striking out in lines three and four the words "shall take the recognizances of all necessary witnesses who appear before him" and inserting in place thereof the words (may release all necessary witnesses who appear before him on personal recognizance or may take recognizances of said witnesses) and by inserting in line seven after the word "case" the words (release such witness on personal recognizance or) so that said section as amended shall read as follows: **597:22 On Binding Over.** Whenever a municipal or district court commits or binds over a person for his appearance at a term of the superior court he may release all necessary witnesses who appear before him on personal recognizance or may take recognizances of said witnesses in such sum as he may think reasonable for their appearances at such term of court. At any time thereafter the superior court may, upon a showing that the testimony of any witness is necessary before said court in such case, release such witness on personal recognizance or take the recognizance of such witness in such sum as it may deem reasonable for his appearance before said court.

78:8 Discharge. Amend RSA 597:27 by striking out in line one the word "Bail" and inserting in place thereof the words (A surety) so that

said section as amended shall read as follows: **597:27 Surrender, in Court.** A surety for the appearance of a party or witness may be discharged, by order of the superior court, from further liability, upon surrendering the party in open court, during the pendency of the original cause and before trial, on payment of the costs of any proceeding against them, and the principal shall be committed unless again recognized.

78:9 Personal Recognizance in Another County. Amend RSA 597:40 by striking out in line six thereof the words "recognizance, with sufficient sureties," and by inserting in place thereof the words (personal recognizance, or recognizance with sufficient sureties upon the terms and conditions prescribed by this chapter) so that said section as amended shall read as follows: **597:40 Recognizance for Appearance in Superior Court.** If a person is arrested in one county, on a warrant for an offense alleged to have been committed in another county exceeding the jurisdiction of a justice to determine, the officer, on his request, shall take him before a justice for the county in which he is arrested, and, upon his waiving examination, such justice may take his personal recognizance or recognizance with sufficient sureties upon the terms and conditions prescribed by this chapter for his appearance at the next term of the superior court for the county in which the offense is alleged to have been committed, and he shall return to said court certified copies of the warrant and recognizance.

78:10 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 4, 1969.]

[Effective date June 3, 1969.]

CHAPTER 79.

AN ACT TO MAKE IT UNLAWFUL TO REQUIRE A FEE OTHER THAN THE INSURANCE PREMIUM ON THE SUBSTITUTION OF ONE INSURANCE POLICY FOR ANOTHER AS SECURITY ON A LOAN.

Be it Enacted by the Senate and House of Representatives in General Court convened:

79:1 New Chapter. Amend RSA by inserting after chapter 399-B as inserted by 1961, 245:7 and 1965, 376-1 the following new chapter:

Chapter 399-C Lenders of Money

399-C:1 Additional Fee or Charge for Substitution of Insurance Policy Prohibited. It shall be unlawful for any person, partnership, association, corporation, unincorporated organization, savings bank or institution, trust company, national bank, building and loan association, credit union, or any other type of bank, whether federal or state chartered, that makes a loan secured by real or personal property in connection with such a transaction, to make any separate or additional charge to, or to require any fee from, or to require the payment of any money by an insurance company,

insurance agency, borrower, mortgagor, or purchaser, other than the insurance premium on insurance written as additional security for the loan, for the substitution by a borrower, a mortgagor, or a purchaser of one insurance policy on the property for an existing policy on the property, when the existing or substituted policy is provided through an insurance company or insurance agent or broker licensed to do business in this state. However, nothing in this section prevents the payment of interest which may be charged on premium loans or premium advancements in accordance with the security agreement.

399-C:2 Penalty. The penalty for a violation of any provision of this chapter is a fine of not more than five hundred dollars.

79:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 4, 1969.]

[Effective date June 3, 1969.]

CHAPTER 80.

AN ACT REQUIRING THAT A REPORT OF BEAR KILL BE MADE TO DEER RECEIVING STATIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

80:1 Report to Deer Registration Stations. Amend RSA 208:23 (supp) as inserted by 1965, 143:1 by striking out said section and inserting in place thereof the following: **208:23 Report of Bear Killed.** Within forty-eight hours after any person has killed a wild bear in this state, he shall make a report to a deer registration station of this state, indicating the town in which the bear was taken, and furnish such other information as the director may require. The registration agent shall register each bear in the manner prescribed by the director and collect a fee of twenty-five cents from the person registering said bear. Any person who fails to make the report required by this section shall be fined not more than twenty-five dollars.

80:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 10, 1969.]

[Effective date June 9, 1969.]

CHAPTER 81.

AN ACT RELATIVE TO THE POSTING OF LAND AGAINST USE BY SNOW VEHICLES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

81:1 Snow Traveling Vehicles. Amend RSA 572 by inserting after section 15-a (supp) the following new section: **572:15-b Penalty, Snow Trav-**

eling Vehicles. An owner may post all or any portion of his land against use by snow traveling vehicles as defined in RSA 262:46, II. Such posting shall be as provided in section 16, except that such notices shall read "SNOW TRAVELING VEHICLES PROHIBITED." Whoever without right enters such land that has been so posted shall be guilty of a misdemeanor and if convicted, shall be fined not more than fifty dollars. Provided, however, that failure of an owner to post his land as provided in this section shall not be construed as granting any license to users of snow traveling vehicles to enter said premises, nor shall said failure be construed as implying any duty of care to the user of a snow traveling vehicle by the owner.

81:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 10, 1969.]

[Effective date June 9, 1969.]

CHAPTER 82.

AN ACT RELATIVE TO THE OPERATION OF MOTORCYCLES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

82:1 Riding Upon Motorcycles. Amend RSA 263 by inserting after section 29-g (supp) the following new section: **263:29-h Riding Upon Motorcycles.** A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or in a sidecar firmly attached to the side of the motorcycle.

82:2 Repeal of Parallel Section. RSA 262-A:75, as inserted by 1963, 330:1, relating to riding upon motorcycles, is hereby repealed.

82:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 10, 1969.]

[Effective date June 9, 1969.]

CHAPTER 83.

AN ACT CLASSIFYING A CERTAIN PORTION OF OLD ROUTE 77 IN HOPKINTON-EVERETT FLOOD AREA AS A CLASS III RECREATIONAL HIGHWAY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

83:1 Recreational Road. Amend RSA 231:6-a (supp) by inserting after paragraph IV as inserted by 1967, 424:1 the following new paragraph:

V. The section of old route 77 in the Hopkinton-Everett flood control area after it has been reconstructed satisfactory to the department of public works and highways with Federal Funds.

83:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 10, 1969.]

[Effective date June 9, 1969.]

CHAPTER 84.

AN ACT RELATIVE TO INSPECTION OF MOTOR VEHICLES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

84:1 Inspection Authorized. Amend RSA 260:14 as amended by 1965, 240:6 by striking out in line six the words "may be operated for a period of ten days before inspection" and inserting in place thereof the words (shall have a period of ten days from registration or transfer of ownership in which to have said vehicle inspected) so that said section as amended shall read as follows: **260:14 Inspection Authorized.** The director may require the inspection of any motor vehicle, trailer, or semi-trailer to determine whether it is safe and fit to be operated. Such inspection shall be made at such times and in such manner as the director may specify; provided, however, that newly registered vehicles and vehicles the ownership of which has been transferred shall have a period of ten days from registration or transfer of ownership in which to have said vehicle inspected. The director may authorize properly qualified persons to make inspections, without expense to the state, at stations designated by him, and may at any time revoke such authorization or designation. The annual fee to be paid by the inspection station upon authorization as set forth herein shall be fifteen dollars, and shall not be refundable.

84:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 10, 1969.]

[Effective date June 9, 1969.]

CHAPTER 85.

AN ACT RELATIVE TO REQUIREMENTS FOR STATE CONTRACTS FOR SERVICES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

85:1 State Contracts for Services. Amend RSA 5 by inserting after section 18 the following new subdivision:

State Contracts

5:18-a Requirements. In addition to any other requirements, no contract for personal services, under which the total of payments equals one thousand dollars or more, in lump sum or installments, between the state and a nonresident corporation, partnership or association or between the state and a resident doing business under a name other than his own, shall be valid unless said contract shall have attached thereto evidence of registration with the secretary of state as required under RSA 300, 305-A or 349, provided, however, that each contract between the state and a resident or nonresident corporation, partnership or association shall have attached thereto evidence of authority of the parties to execute and be bound by said contract.

85:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 10, 1969.]

[Effective date June 9, 1969.]

CHAPTER 86.

AN ACT TO PROVIDE FOR CUMULATIVE POCKET SUPPLEMENTS FOR REVISED
STATUTES ANNOTATED.

Be it Enacted by the Senate and House of Representatives in General Court convened:

86:1 Revised Statutes Annotated. The secretary of state, with the approval of the attorney general, is authorized and directed to contract with a competent and qualified law book publisher in the name of the state for the editorial preparation, publication, and distribution of cumulative pocket supplements to the Revised Statutes Annotated for the statutes of a public and general nature passed at the 1971 biennial assembly of the general court and any special sessions prior to the 1971 session. Copy for said 1971 supplements shall be forwarded to office of legislative services for correction prior to publication. The supplements shall follow the general scheme used for the pocket supplements for the 1955, 1957, 1959, 1961, 1963, 1965, 1967 and 1969 sessions of the general court, in accordance with the contract entered into by the secretary of state under the authority of 1955, 278:1. The provisions of RSA 8 relative to competitive bidding for state purchases do not apply to the contract authorized under this act.

86:2 Appropriation. The sum of thirteen thousand dollars is hereby appropriated for the purposes of this act relative to the supplements for the 1971 session of the general court. The governor is authorized to draw his warrant for the sum, or as much thereof as is necessary, out of any money in the treasury not otherwise appropriated.

86:3 Effective Date. The provisions of this act shall take effect January 1, 1970.

[Approved April 10, 1969.]

[Effective date January 1, 1970.]

CHAPTER 87.

AN ACT RELATIVE TO FOREIGN PARTNERSHIPS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

87:1 Foreign Partnerships. Amend RSA 305-A as inserted by 1965, 187:1 by inserting after section 2 the following new sections:

305-A:2-a Changes. Any partnership which has changed its name, changed its registered office or registered agent shall, within thirty days, file with the secretary of state a certificate of such change, signed and sworn to by a general partner of the partnership and shall pay a filing fee of ten dollars.

305-A:2-b Suspension. If any such partnership fails for two consecutive years to make the payments of fees required by this chapter, its right to do business in this state shall be suspended.

305-A:2-c Inactive List. The secretary of state is hereby directed to remove from the active list of foreign partnerships authorized to do business in this state (1) the name of any such partnership whose right to do business herein has been suspended for failure to make payments, by provisions of section 2-b, and (2) the name of any such partnership which may have withdrawn from doing business in this state but has failed to make a return to the secretary of state of such withdrawal and to pay the filing fee as required by section 5. The secretary of state shall keep on an inactive list the names of the foreign partnerships so removed from the active list which are no longer authorized to do business in this state.

305-A:2-d Reregistration. If any such foreign partnership shall again wish to register to do business in this state it shall make a new application for such registration and pay the required fees for such registration.

305-A:2-e Name. The fact that the name of a foreign partnership is on the inactive list shall not prohibit the use of such name by another foreign or domestic partnership in active business.

87:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 10, 1969.]

[Effective date June 9, 1969.]

CHAPTER 88.

AN ACT RELATIVE TO THE POLITICAL CALENDAR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

88:1 Reckoning Days. Amend RSA 56 by inserting after section 99 the following new sections:

56:100 — Computation. The attorney general, in preparing the political calendar required by the above section, shall, notwithstanding any other

provisions of law, maintain a uniform system of computation by excluding the day of the required act and the day the number of days to be counted falls upon, so that all periods of time shall be reckoned as within the number of days stated. Whenever a date falls upon a Saturday or Sunday the act required shall be performed on the following Monday; when such a date falls on a legal holiday, the act required shall be performed on the following business day.

56:101 — Mailing of Notices. Whenever a statute relative to state elections requires a filing with or notice to the secretary of state, or other official, said filing or notice must be received by the secretary of state, or other official, by the close of the business day on the date set forth in the political calendar.

88:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 10, 1969.]

[Effective date June 9, 1969.]

CHAPTER 89.

AN ACT PROVIDING THAT A SO-CALLED MASSACHUSETTS TRUST, DOING BUSINESS IN THE STATE, SHALL BE CONSIDERED A FOREIGN CORPORATION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

89:1 Foreign Corporations, Registration. Amend RSA 300 by inserting after section 3 the following new section: **300:3-a Massachusetts Trust.** Any so-called Massachusetts trust or business trust established by law of any other state, desiring to do business in this state, shall be deemed to be a foreign corporation and shall be required to register under, and comply with the provisions of, this chapter.

89:2 Annual Return. Amend RSA 300 by inserting after section 5-a, as inserted by 1965, 204:2 the following new section: **300:5-b Special Form.** The secretary of state shall prepare an appropriate form for the use of the so-called Massachusetts trust or business trust in making its annual return hereunder. In making up said special form the secretary of state shall take into consideration the peculiar nature of these organizations.

89:3 Effective Date. This act shall take effect July 1, 1969.

[Approved April 10, 1969.]

[Effective date July 1, 1969.]

CHAPTER 90.

AN ACT RELATIVE TO THE POSSESSION OF UNREGISTERED DEER.

Be it Enacted by the Senate and House of Representatives in General Court convened:

90:1 Twelve Hour Period to Register Deer. Amend RSA 208:15-g (supp) as inserted by 1967, 84:1 by striking out in line four the word "possessions" and inserting in place thereof the words (either the possession) and by inserting in line five after the words "registration station" the words (or to the twelve hour period cited in section 15-e of this chapter) so that the said section as amended shall read as follows: **208:15-g Registration Required.** No person shall have in his possession at anytime any deer, or part thereof, which has not been legally registered as herein provided. The provisions of this section shall not apply to either the possession of a deer between the time it was killed and the presentation of the deer at the registration station, or to the twelve hour period cited in section 15-e of this chapter.

90:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 10, 1969.]

[Effective date June 9, 1969.]

CHAPTER 91.AN ACT RELATIVE TO TOLL-FREE USE OF CERTAIN NEW HAMPSHIRE HIGHWAYS BY
MEMBERS OF THE GENERAL COURT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

91:1 Eastern New Hampshire Turnpike. Amend RSA 256 by inserting after section 8-a as inserted by 1963, 97:3 the following new section: **256:8-b Exemption from Tolls.** Upon proper identification by legislative license plate, any elected member of the general court during his term of office shall be granted toll-free use of any section of the eastern New Hampshire turnpike.

91:2 Central New Hampshire Turnpike. Amend RSA 257 by inserting after section 7 the following new section: **257:7-a Exemption from Tolls.** Upon proper identification by legislative license plate, any elected member of the general court during his term of office shall be granted toll-free use of any section of the central New Hampshire turnpike.

91:3 Effective Date. This act shall take effect upon passage.

[Approved April 10, 1969.]

[Effective date April 10, 1969.]

AN ACT MAKING AN ADDITIONAL APPROPRIATION FOR FISCAL 1969 FOR THE
LIQUOR COMMISSION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

92:1 Additional Appropriation. There is hereby appropriated to the liquor commission for the fiscal year ending June 30, 1969 for store operation, other personnel services, the sum of twenty thousand dollars. Said appropriation is in addition to any other sums appropriated for said purpose for said fiscal year. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

92:2 Effective Date. This act shall take effect upon its passage.

[Approved April 15, 1969.]

[Effective date April 15, 1969.]

CHAPTER 93.

AN ACT RELATIVE TO EXPIRATION DATES FOR LICENSES FOR TRAPPING AND FOR
FUR BUYERS AND REQUIRED REPORT OF YEARLY CATCH.

Be it Enacted by the Senate and House of Representatives in General Court convened:

93:1 License Relative to Fur-Bearing Animals. Amend RSA 210 by inserting after section 19 the following new subdivision:

Licenses for Trapping and Fur Buying

210:20 Expiration Date. Notwithstanding any of the general provisions for the expiration of fish and game licenses, any license to trap fur-bearing animals and any license to buy furs under RSA 214:24 shall expire on June thirtieth of each year.

210:21 Report of Catch. On or before June thirtieth of each year, every person licensed to take fur-bearing animals shall report his catch to a conservation officer for the year.

210:22 Penalty. A person who fails to make the report provided for in section 21 shall be fined not more than fifty dollars.

93:2 Continuity of License. Any license to trap fur-bearing animals or any license for the business of fur-buyers issued for the period beginning January 1, 1970, shall be valid until June 30, 1971.

93:3 Effective Date. This act shall take effect June 30, 1970.

[Approved April 16, 1969.]

[Effective date June 30, 1970.]

AN ACT RELATIVE TO THE PRACTICE OF ENGINEERING.

Be it Enacted by the Senate and House of Representatives in General Court convened:

94:1 Practice of Engineering. Amend RSA 319:13 (c) as amended by 1959, 38:3 by striking out said paragraph and inserting in place thereof the following: (c) A specific record of fifteen years or more of practice in professional engineering of a character satisfactory to the board, of which at least five years shall have been in responsible charge of engineering work, and indicating that the applicant is qualified to design and to take responsible charge of construction of engineering works; provided applicant is not less than forty years of age, and provided that in a case where the evidence presented in the application does not appear to the board conclusive nor warranting the issuance of a certificate of registration, the applicant may be required to pass an oral or written examination, or both, as the board may determine. When an applicant presents evidence of outstanding qualifications for registration, the board may, by unanimous vote of all members waive the above requirements relating to age and total years of practice, but in no case shall an applicant be registered without examination under this section who is less than thirty-three years of age with a specific record of not less than ten years of practice in professional engineering work of a character satisfactory to the board.

94:2 Qualifications. Amend RSA 319:16 as amended by 1959, 38:4 by striking out said section and inserting in place thereof the following: **319:16 Education Credits.** The satisfactory completion of each year of an approved curriculum in engineering in a school or college approved by the board as of satisfactory standing, without graduation, shall be considered as equivalent to a year of experience in (b) and (c) of section 13. Graduation in a curriculum other than engineering, but in a related field, from a college or university of recognized standing may be considered as equivalent to two years of experience in said (b) and (c) provided, however, that no applicant shall receive credit for more than four years of experience because of undergraduate educational qualifications. The board in counting years of experience, at its discretion, may give credit not in excess of one year for satisfactory graduate study in engineering.

94:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 16, 1969.]

[Effective date June 15, 1969.]

CHAPTER 95.AN ACT RELATIVE TO THE REDUCTION OF MINIMUM TERM OF PRISONERS
FOR DONATION OF BLOOD.

Be it Enacted by the Senate and House of Representatives in General Court convened:

95:1 Sentences. Amend RSA 607 by inserting after section 51 the following new subdivision:

Additional Reduction of Sentence

607:51-a Reduction of Minimum Term for Donation of Blood. Any prisoner who is confined to the state prison or any house of correction and who is serving his minimum sentence shall be granted a reduction of five days therefrom for each donation of his blood to the American Red Cross to blood banks of non-profit hospitals and to similar organizations or institutions, or to members of the armed forces of the United States or to residents of the United States in times of disaster or to recognized public agencies engaged in medical or scientific research; such blood shall not be sold nor shall it be devoted to any commercial use. The reduction of sentence herein provided for shall not exceed ten days in any twelve-month period, and shall be in addition to any other reductions of sentence.

95:2 Effective Date. This act shall take effect upon its passage.

[Approved April 16, 1969.]

[Effective date April 16, 1969.]

CHAPTER 96.

AN ACT PROVIDING FOR A TEN DAY SEASON FOR HUNTING DEER
WITH MUZZLE-LOADERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

96:1 Ten Day Season. Amend RSA 208:5-a (supp) as inserted by 1963, 315:1 and amended by 1965, 93:1 by striking out in line six the words "on the Friday, Saturday, and Sunday" and inserting in place thereof the words (for a period of ten days) so that the said section as amended shall read as follows: **208:5-a Muzzle-Loaders.** A person who has complied with the licensing requirements relative to hunting deer pursuant to RSA chapter 214, as amended, upon payment of a fee of three dollars by residents or a fee of four dollars by non-residents shall be issued a special license. Said special license shall entitle the holder to hunt deer with a muzzle-loading rifle or musket, of not less than .40 caliber, for a period of ten days immediately prior to the opening date for the taking of deer as provided for by section 2 of this chapter, as now or hereinafter amended.

96:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 16, 1969.]

[Effective date June 15, 1969.]

CHAPTER 97.

AN ACT RELATIVE TO THE APPROPRIATION FOR THE NASHUA VOCATIONAL INSTITUTE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

97:1 Transfers Authorized. Amend Laws of 1967, Chapter 394, section 1, paragraph II by inserting at the end thereof the following: (the governor

and council are hereby authorized and empowered to transfer funds from any line item to any other line item within the above appropriation for the vocational institute in Nashua.)

97:2 Effective Date. This act shall take effect upon its passage.

[Approved April 16, 1969.]

[Effective date April 16, 1969.]

CHAPTER 98.

AN ACT RELATIVE TO PRINTING STATUTES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

98:1 Private Acts. Amend RSA 20:1 (supp) as amended by 1955, 2:1 by inserting in line two after the words "public acts" the words (private acts) so that said section as amended shall read as follows: **20:1 Session Laws.** At the close of a legislative session the secretary of state shall cause such number of copies of the public acts, private acts, and resolves of such session, as the governor and council shall determine, to be printed in pamphlet form and distributed free to public libraries, judges, attorneys and to citizens requesting the same.

98:2 Effective Date. This act shall take effect upon its passage.

[Approved April 21, 1969.]

[Effective date April 21, 1969.]

CHAPTER 99.

AN ACT TO ALLOW GREATER FLEXIBILITY IN THE USE OF FUNDS APPROPRIATED FOR CONSTRUCTING AND EQUIPPING A HEALTH TRAINING CENTER AT THE STATE TECHNICAL INSTITUTE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

99:1 Construction Appropriation. Amend Laws of 1967, 410:4 and 410:5 by striking out said sections and inserting in place thereof the following:

410:4 Construction Appropriation. There is hereby appropriated the following sums for the therein identified purposes:

Health building	\$1,002,000	
Equipment	160,000	
	<hr/>	
		\$1,162,000
Library building	350,250	
Books	40,000	

Equipment	20,000	
		410,250
Expansion of cafeteria		69,000
Expansion of parking facilities		55,000
		<hr/>
Total appropriation		1,696,250
Less estimated federal funds		440,371
		<hr/>
Net appropriation		\$1,255,879
		<hr/>

If federal funds in excess of those estimated become available, the net appropriation shall be decreased by the amount of excess.

The appropriation provided by this section shall be available until June 30, 1971.

Transfers may be made between items listed above, except for equipment and books, with governor and council approval.

410:5 Bonds Authorized. To provide funds for the appropriation(s) made by this act the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of one million two hundred fifty-five thousand eight hundred seventy-nine dollars and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

99:2 Effective Date. This act shall take effect upon passage.

[Approved April 22, 1969.]

[Effective date April 22, 1969.]

CHAPTER 100.

AN ACT RELATIVE TO COURT TERMS IN GRAFTON COUNTY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

100:1 Superior Court. Amend RSA 496:1 as amended by 1965, 41:1 and 1967, 59:1 by striking out said section and inserting in place thereof the following: **496:1 Time; Place.** Terms of the superior court shall be holden annually, at the following places in the following counties:

For the county of Rockingham: At Exeter.

For the county of Strafford: At Dover.

For the county of Belknap: At Laconia.

For the county of Carroll: At Ossipee.

For the county of Merrimack: At Concord.

For the county of Hillsborough: At Manchester and Nashua.

For the county of Cheshire: At Keene.

For the county of Sullivan: At Newport.

For the county of Grafton: At Woodsville in the Town of Haverhill and at Lebanon until such time as a new court house is constructed in Haverhill.

For the county of Coos: At Lancaster and Berlin. The times for holding the terms of court at the places designated in each county shall be established by rule of the superior court, which shall provide for the holding of not less than two terms annually in each county.

100:2 Probate Court. Amend RSA 549:9 by striking out said section and inserting in place thereof the following: **549:9 Grafton.** For the county of Grafton, — at Woodsville, on the first Tuesday of each month except August.

100:3 Effective Date. This act shall take effect January 1, 1970.

[Approved April 25, 1969.]

[Effective date January 1, 1970.]

CHAPTER 101.

AN ACT RELATIVE TO FEES IN THE SUPERIOR COURT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

101:1 Fees. Amend RSA 499:18 as amended by 1963, 219:1 by striking out said section and inserting in place thereof the following: **499:18 Superior Court.** For the benefit of the county, the following fees shall be paid to the clerk of the superior court:

I. Civil.

Writ entry	\$10.00
Order of notice for service in hand or by publication	5.00
Each additional copy	2.00
Order of notice on new or additional attachment	5.00
Each additional copy	2.00
Executions	1.00
Writ of possession	2.00
Original writ	.20
All other orders of notice (copy for service and copy for return)	5.00
Each additional copy	2.00

II. Equity.

Bills of equity entry	\$10.00
Orders of notice, one defendant	5.00
Each additional copy	2.00
Bills in equity by publication entry	10.00
Citation for publication and return	5.00
Each additional copy	2.00

Libels and petitions in marital cases entry	10.00
Orders of notice for one defendant	2.00
Each additional copy	2.00
Libels and petitions in marital cases by publication entry	10.00
Citation, copies for service and certified mail	6.00
Each additional copy	2.00
Temporary orders or injunctions	2.00
Petitions for modification or contempt orders or notice	5.00
Petitions for special meetings and temporary appointments	
Entry	5.00
Certified copy	2.00
Workmen's compensation petitions	
Entry	10.00
Orders of notice on defendant, insurer, and commissioner	5.00
Petition for dissolution of corporation entry	10.00
Citation and copy to secretary of state	5.00
Notice of liens on bonds entry	10.00
Copies by mail to insured and insurer	5.00
Bills in equity vs. state, counties, cities and towns entry	10.00
Orders of notice for service	4.00
Divorce, legal separation and nullity certificates	2.00
Stipulations, first page	1.00
Each additional page	.50
III. Miscellaneous	
All other entries	5.00
Change of venue, entry fee in county to which case is forwarded	5.00
Taxation of costs by clerk	1.00
Rule of reference	1.00
Certificates:	
Notary, sheriff or justice of the peace	1.00
To probate court in appeal cases	1.00
Exemplified	3.00
Clerk's certificate	1.00
Copied material, first page.	1.00
Each additional page	.50

101:2 Effective Date. This act shall take effect January 1, 1970.

[Approved April 25, 1969.]

[Effective date January 1, 1970.]

CHAPTER 102.**AN ACT RELATIVE TO CONSTRUCTION OF SEWAGE DISPOSAL
SYSTEMS NEAR SHORELINES.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

102:1 Restriction on Number. Amend RSA 149-E:3 (supp) as inserted by 1967, 147:13 by adding at the end thereof the following new paragraph: VIII. The commission may reject applications for septic tank disposal systems in those areas where there is already a high concentration of septic tanks on adjacent, contiguous or nearby areas or if the application is an obvious expansion, addition or annexation to an area which has already reached the maximum allowable concentration of sewage disposal through septic tanks and leaching systems.

102:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 25, 1969.]

[Effective date June 24, 1969.]

CHAPTER 103.**AN ACT ENACTING THE INTERSTATE AGREEMENT ON
QUALIFICATION OF EDUCATIONAL PERSONNEL.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

103:1 New Chapter. Amend RSA by inserting after chapter 200-D (supp) the following new chapter:

Chapter 200-E**Interstate Agreement on Qualification of Educational Personnel.**

200-E:1 Agreement. The Interstate Agreement on Qualification of Educational Personnel is hereby enacted into law and entered into with all jurisdiction legally joining therein, in the form substantially as follows:

Article I**Purpose, Findings, and Policy**

1. The States party to this Agreement, desiring by common action to improve their respective school systems by utilizing the teacher or other professional educational person wherever educated, declare that it is the policy of each of them, on the basis of cooperation with one another, to take advantage of the preparation and experience of such persons wherever gained, thereby serving the best interests of society, of education, and of the teaching profession. It is the purpose of this Agreement to provide for the development and execution of such programs of cooperation as will facilitate the movement of teachers and other professional educational personnel among the States party to it, and to authorize specific interstate educational personnel contracts to achieve that end.

2. The party States find that included in the large movement of population among all sections of the nation are many qualified educational personnel who move for family and other personal reasons but who are hindered in using their professional skill and experience in their new locations. Variations from State to State in requirements for qualifying educational personnel discourage such personnel from taking the steps necessary to qualify in other States. As a consequence, a significant number of professionally prepared and experienced educators is lost to our school systems. Facilitating the employment of qualified educational personnel, without reference to their States of origin, can increase the available educational resources. Participation in this Compact can increase the availability of educational manpower.

Article II

Definitions

As used in this Agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

1. "Educational personnel" means persons who must meet requirements pursuant to State law as a condition of employment in educational programs.

2. "Designated State official" means the education official of a State selected by that State to negotiate and enter into, on behalf of his State, contracts pursuant to this Agreement.

3. "Accept", or any variant thereof, means to recognize and give effect to one or more determinations of another State relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving State.

4. "State" means a State, territory, or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.

5. "Originating State" means a State (and the subdivision thereof, if any) whose determination that certain educational personnel are qualified to be employed for specific duties in schools is acceptable in accordance with the terms of a contract made pursuant to Article III.

6. "Receiving State" means a State (and the subdivisions thereof) which accept educational personnel in accordance with the terms of a contract made pursuant to Article III.

Article III

Interstate Educational Personnel Contracts

1. The designated State official of a party State may make one or more contracts on behalf of his State with one or more other party States providing for the acceptance of educational personnel. Any such contract for the period of its duration shall be applicable to and binding on the States whose designated state officials enter into it, and the subdivisions of those States, with the same force and effect as if incorporated in this Agreement. A designated state official may enter into a contract pursuant to this Article only with States in which he finds that there are programs of education,

certification standards or other acceptable qualifications that assure preparation or qualification of educational personnel on a basis sufficiently comparable, even though not identical to that prevailing in his own State.

2. Any such contract shall provide for:

(a) Its duration.

(b) The criteria to be applied by an originating State in qualifying educational personnel for acceptance by a receiving State.

(c) Such waivers, substitutions, and conditional acceptances as shall aid the practical effectuation of the contract without sacrifice of basic educational standards.

(d) Any other necessary matters.

3. No contract made pursuant to this Agreement shall be for a term longer than five years but any such contract may be renewed for like or lesser periods.

4. Any contract dealing with acceptance of educational personnel on the basis of their having completed an educational program shall specify the earliest date or dates on which originating state approval of the program or programs involved can have occurred. No contract made pursuant to this Agreement shall require acceptance by a receiving State of any persons qualified because of successful completion of a program prior to January 1, 1954.

5. The certification or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or otherwise impaired because the contract has expired or been terminated. However, any certificate or other qualifying document may be revoked or suspended on any ground which would be sufficient for revocation or suspension of a certificate or other qualifying document initially granted or approved in the receiving State.

6. A contract committee composed of the designated state officials of the contracting States or their representatives shall keep the contract under continuous review, study means of improving its administration, and report no less frequently than once a year to the heads of the appropriate education agencies of the contracting States.

Article IV

Approved and Accepted Programs

1. Nothing in this Agreement shall be construed to repeal or otherwise modify any law or regulation of a party State relating to the approval of programs of educational preparation having effect solely on the qualification of educational personnel within that State.

2. To the extent that contracts made pursuant to this Agreement deal with the educational requirements for the proper qualification of educational personnel, acceptance of a program of educational preparation shall be in accordance with such procedures and requirements as may be provided in the applicable contract.

Article V Interstate Cooperation

The party States agree that:

1. They will, so far as practicable, prefer the making of multi-lateral contracts pursuant to Article III of this Agreement.
2. They will facilitate and strengthen cooperation in interstate certification and other elements of educational personnel qualification and for this purpose shall cooperate with agencies, organizations, and associations interested in certification and other elements of educational personnel qualification.

Article VI Agreement Evaluation

The designated state officials of any party States may meet from time to time as a group to evaluate progress under the Agreement, and to formulate recommendations for changes.

Article VII Other Arrangements

Nothing in this Agreement shall be construed to prevent or inhibit other arrangements or practices of any party State or States to facilitate the interchange of educational personnel.

Article VIII Effect and Withdrawal

1. This Agreement shall become effective when enacted into law by two States. Thereafter it shall become effective as to any State upon its enactment of this Agreement.
2. Any party State may withdraw from this Agreement by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the Governor of the withdrawing State has given notice in writing of the withdrawal to the Governors of all other party States.
3. No withdrawal shall relieve the withdrawing State of any obligation imposed upon it by a contract to which it is a party. The duration of contracts and the methods and conditions of withdrawal therefrom shall be those specified in their terms.

Article IX Construction and Severability

This Agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Agreement shall be severable and if any phrase, clause, sentence, or provision of this Agreement is declared to be contrary to the constitution of any State or of the United States, or the application thereof to any Government, agency, person, or circumstance is held invalid, the validity of the remainder of this Agreement and the applicability thereof to any Government, agency, person, or circumstance shall not be affected thereby. If this Agreement shall be held contrary to the

constitution of any State participating therein, the Agreement shall remain in full force and effect as to the State affected as to all severable matters.

200-E:2 Designated State Official. The "designated State official" for this State shall be the commissioner of education. The commissioner shall enter into contracts pursuant to Article III of the Agreement only with the approval of the specific text thereof by the state board of education.

200-E:3 Filing of Contracts. True copies of all contracts made on behalf of this State pursuant to the Agreement shall be kept on file in the department of education and in the office of the Secretary of State. The department of education shall publish all such contracts in convenient form.

103:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 25, 1969.]

[Effective date June 24, 1969.]

CHAPTER 104.

AN ACT RELATIVE TO GENERAL CHANGES IN THE STATUTES CONCERNING SCHOOL DISTRICTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

104:1 Repeal. RSA 189:5, relative to surplus funds in a school district, is hereby repealed.

104:2 Regulations. Amend RSA 189:15 (supp) as amended by 1965, 110:1 by striking out said section and inserting in place thereof the following: **189:15 Regulations.** The school board may, unless otherwise provided by statute or state board regulations, prescribe regulations for the attendance upon, and for the management, classification and discipline of, the schools; and such regulations, when recorded in the official records of the school board, shall be binding upon pupils and teachers.

104:3 School Insurance. Amend RSA 189 by inserting after section 15 (supp), as amended by this act, the following new section: **189:15-a Purchase of School Insurance.** The school board may purchase, at the expense of the district, accident or injury insurance covering all students while participating in any school activity or may make such insurance available at the option and expense of the parent or guardian of each student.

104:4 Flag Price Limit Removed. Amend RSA 189:17 by striking out in lines four and five the following "not exceeding ten dollars for any one schoolhouse" so that said section as amended shall read as follows: **189:17 Flag; Penalty.** They shall supply a United States flag of bunting not less than five feet in length, with a flagstaff and appliances for displaying the same, for every schoolhouse in the district in which a public school is taught, at the expense of the district. They shall prescribe rules and regulations for the proper custody, care and display of the flag; and whenever not otherwise displayed it shall be placed conspicuously in the principal room

of the schoolhouse. The governing board of every private school shall supply a similar flag, staff and appliances at the expense of such school and shall make similar provisions for its display. Any members of a school board or the governing board who shall refuse or neglect to comply with the provisions of this section shall be fined ten dollars for the first offense and twenty dollars for every subsequent offense.

104:5 Repeal. RSA 189:41 relative to attendance at teachers' institutes is hereby repealed.

104:6 Budget Hearing in Supervisory Union. Amend RSA 189 by inserting after section 47 (supp) the following new section: 189:47-a Public Hearing. Before final adoption of the supervisory union budget as provided in section 47, there shall be held within the supervisory union, at a time and place specified by the supervisory union board chairman, at least one public hearing upon a preliminary budget prepared by the supervisory union board. Notice of such public hearing and a summary of the preliminary budget shall be submitted by the secretary of the board for publication in a newspaper of general circulation in the supervisory union at least seven days prior to the date of said hearing. The budget, subsequent to its final approval by the supervisory union board, shall be posted in a public place in each constituent school district and given such other publication as the supervisory union board may determine.

104:7 Definition of School District Extended. Amend RSA 195-A:1, I as inserted by 1963, 277:1 by striking out said paragraph and inserting in place thereof the following: I. "School district" shall mean a town school district, a special school district, a cooperative school district, an incorporated school district operating within a city, and a city operating a dependent school department.

104:8 Area Schools. Amend RSA 195-A:3, V (supp) as inserted by 1963, 277:1 and amended by 1965, 112:3, 4 and 1965, 311:2, by striking out in line nine the words "or districts" so that said paragraph as amended shall read as follows: V. An area school planning board may recommend that there be established an authorized regional enrollment area plan for elementary or secondary schools, or both, or any other reasonable combination of grades, composed of all the school districts represented by its membership or any specified combination thereof. The planning board shall prepare a written plan for the proposed regional enrollment area, which shall be signed by at least a majority of the membership of such board, which shall set forth the following: (a) the name or names of each area school or schools proposed, and the receiving district in which such schools shall be located; (b) the sending districts or portions thereof which, together with the receiving district, shall form the region which each area school or schools shall serve; (c) the grades for which each area school or schools shall be responsible (which may include a combination of elementary and secondary grades or any other reasonable classification); (d) the formula for calculation of tuition; (e) the manner in which any form of state aid shall be credited, unless otherwise expressly provided by law; (f) the existing school buildings in the several school districts which shall be discontinued; (g) the existing school buildings in the receiving district which shall be designated as an area school or schools including any existing buildings to be initially enlarged;

(h) the proposed new area school building or buildings to be initially constructed in the receiving district and the initial location of same; (i) the estimated initial enrollment in each area school from each of the sending districts and from the receiving district; (j) the proposed date or dates of operating responsibility of each planned area school, which date may be subsequently postponed by the state board upon petition of a receiving or sending district, in the event of unforeseen circumstances or for good cause shown; (k) the scheduled date or dates during each year upon which tuition payments shall be made by the sending districts to the receiving districts and whether the tuition shall be payable in installments, or in a lump sum; (l) procedure for improvement or changes in curriculum and other school programs and services; (m) the method, time, and manner in which the plan may be amended, subject to state board approval, where not incompatible with law; (n) any other matters, not incompatible with law, which the area school planning board may consider appropriate to include in such written plan.

104:9 Special School Meeting. Amend RSA 197:2 by striking out in line three the following “ten or more voters, or one sixth of the voters of the district” and inserting in place thereof the following (fifty or more voters, or one fourth of the voters of the district, whichever is less) so that said section as amended shall read as follows: **197:2 Special.** A special meeting of a school district shall be holden whenever, in the opinion of the school board, there is occasion therefor, or whenever fifty or more voters, or one fourth of the voters of the district, whichever is less, shall have made written application to the school board therefor, setting forth the subject matter upon which action is desired.

104:10 State Aid Includes Area Schools. Amend RSA 198:8 as amended by 1955, 331:1 by inserting in line seven after the word “districts” the following (and authorized regional enrollment areas) so that said section as amended shall read as follows: **198:8 Declaration of Policy.** It is hereby declared to be the policy of the state of New Hampshire to share in the costs of public elementary and high school education of the local school districts of the state to the end that: (1) the more needy school districts may be assisted in providing an adequate education program; (2) education throughout New Hampshire may be improved; and (3) assistance and incentives may be provided for the formation of cooperative school districts and authorized regional enrollment areas.

104:11 Modification of Average Daily Membership. Amend RSA 198:10-a as inserted by 1955, 331:1 and amended by 1963, 242:1 by inserting in line fifteen after the word “entitled” the following (Furthermore, whenever it shall appear or be made to appear to the state board of education that circumstances have so changed in any school district from one year to another that the use of the previous year’s average daily membership is unfair, unjust or inequitable, the state board of education shall determine what changes or modifications should be made to the average daily membership of such district) so that said section as amended shall read as, follows: **198:10-a —Time of Computation.** Before June thirtieth in each year the state board of education shall cause to be computed the amount of foundation aid to be paid to eligible school districts in the succeeding fiscal year.

The computation shall be based upon the most recently available equalized valuation of each school district and the average daily membership in approved public schools in each school district for the preceding year. Whenever it shall appear or be made to appear to the tax commission that circumstances have so changed in any school district from one year to another that the use of the most recently available equalized valuation is unfair, unjust or inequitable, the tax commission shall determine what changes or modifications shall be made in the equalized valuation of such district. The tax commission shall certify such changed equalized valuation to the state board of education by May first. The state board of education shall use such changed equalized valuations in computing the foundation aid to which such district is entitled. Furthermore, whenever it shall appear or be made to appear to the state board of education that circumstances have so changed in any school district from one year to another that the use of the previous year's average daily membership is unfair, unjust or inequitable, the state board of education shall determine what changes or modifications should be made to the average daily membership of such district.

104:12 Area School Aid. Amend RSA 198 by inserting after section 18 the following new section:

198:19 Area School Aid.

I. As an incentive to receiving and sending districts which undertake the obligations of an area school, the state board shall, from funds appropriated by the general court to carry out the provisions of this chapter, pay annually to each receiving district sums in accordance with the following schedule: For each pupil from a sending district in average daily membership in the preceding school year; in an area elementary school, forty-five dollars; in an area junior high school or equivalent program, sixty dollars; and in an area high school, seventy-five dollars.

II. As of June thirtieth in each year, the state board shall cause to be computed the amount of annual grants to be paid to eligible receiving districts for use as provided in area plans approved hereunder, in the succeeding fiscal year, based upon average daily membership from sending districts in the preceding fiscal year. If, in any year, the amount appropriated for distribution hereunder is insufficient therefor, the available appropriation shall be apportioned proportionately among the receiving districts entitled to such grant. Any available appropriations not fully distributed in the first year of any biennium may be distributed in the second year if required to meet the formula established in the preceding paragraph.

104:13 Repeal. RSA 195-A:10, I and II (supp) as inserted by 1963, 277:1 and amended by 1965, 112:7 relative to area school aid is hereby repealed.

104:14 Closing of Private or Parochial School. Amend RSA 198 by inserting after section 19 as inserted by this act the following new section:
198:20 Closing of Nonpublic Schools. Whenever a nonpublic school closes and any of its pupils become enrolled in the public schools, the state board in determining eligibility for any form of state aid computed wholly or in part on the basis of average daily membership of pupils may count these newly enrolled pupils as though they had been in average daily membership at the public schools of the district during the preceding school year.

104:15 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 25, 1969.]

[Effective date June 24, 1969.]

CHAPTER 105.

AN ACT PROVIDING FOR THE APPOINTMENT OF ADDITIONAL DEPUTY SHERIFFS ON SALARIES IN BELKNAP COUNTY AND PROVIDING THE SHERIFF SHALL FIX THEIR RATE OF COMPENSATION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

105:1 Deputy Sheriffs for Belknap County. Amend RSA 104:3-c (supp) as inserted by 1967, 201:2 by striking out said section and inserting in place thereof the following: **104:3-c Belknap County; Appointment of Deputy Sheriffs on Salary.** The sheriff of Belknap county may appoint, if funds are appropriated, such number of deputies as he may deem necessary and within any such appropriation shall fix the compensation of each individual deputy. The annual salary of each deputy as established by the sheriff shall be paid by the county and said payment shall be in full for all services of said deputies for the county. The county shall provide such deputies with suitable transportation and they shall not be allowed the statutory rates for mileage allowable to other deputy sheriffs. For the service of civil writs and other process which the deputies may perform they shall collect the usual fees allowed for such service and mileage and shall pay over directly to the county treasurer all such fees and mileage charges at the end of each month. They shall report annually to the sheriff the number of civil writs and other process served and the total amounts collected in fees and mileage charges paid over to the treasurer during the calendar year and said report shall be incorporated in the sheriff's annual report to the county commissioners.

105:2 Effective Date. This act shall take effect upon passage.

[Approved April 25, 1969.]

[Effective date April 25, 1969.]

CHAPTER 106.

AN ACT PROVIDING FOR SEPARATE TIMES FOR ELECTING OFFICIALS AND VOTING ON OTHER ARTICLES IN THE WARRANT FOR TOWN MEETINGS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

106:1 Town Meetings. Amend RSA 39 by inserting after section 2 (supp) the following new section: **39:2-a Optional Provisions.** Any town may at an annual meeting vote to conduct the choice of town officers elected

by an official ballot and other action required to be inserted on said official ballot on the second Tuesday of March and authorize the selectmen to choose another day for the second session of the town meeting for the transaction of all other town business. Upon written application of ten or more voters, addressed to the selectmen, the following question shall be submitted to the voters at such annual meeting: "Do you approve of having two sessions for the annual town meeting in this town, the first session for choice of town officers elected by an official ballot and other action required to be inserted on said official ballot and the second session, on a date set by the selectmen, for transaction of other business?" This question shall appear upon the official ballot in towns having such a ballot, otherwise upon a special ballot prepared by the town clerk. Proper provision shall be made on the ballot to permit the voter clearly to indicate his choice on the question. If a majority of the legal voters present and voting on the question vote in the affirmative, the provisions of this section shall be declared adopted. In any town adopting the provisions hereof the warrant for an annual meeting held hereunder shall prescribe the place, day and hour of each session of said meeting and said warrant shall be posted as required for any town meeting. In a town "which has adopted" the provisions of this section no business other than the election of town officers elected by an official ballot and other action required to be inserted on said official ballot shall be taken up at the first session of said meetings. A town which has adopted the provisions hereof may rescind such action in the same manner as provided for its adoption. The question in this case shall be: "Shall the provisions for having two sessions of the annual town meeting be declared no longer in effect in this town?"

106:2 Effective Date. This act shall take effect July 1, 1969.

[Approved April 25, 1969.]

[Effective date July 1, 1969.]

CHAPTER 107.

AN ACT RELATIVE TO PENALTIES FOR OPERATING A MOTOR VEHICLE AFTER SUSPENSION OR REVOCATION OF LICENSE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

107:1 Operation of Motor Vehicles. Amend RSA 262:27-b (supp) as inserted by 1967, 281:1 by striking out said section and inserting in place thereof the following: **262:27-b Operating After Revocation or Suspension.** Any person convicted of operating a motor vehicle in this state after his license to operate has been suspended or revoked shall be fined not more than five hundred dollars or imprisoned for not more than six months.

107:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 25, 1969.]

[Effective date June 24, 1969.]

CHAPTER 108.

AN ACT RELATIVE TO THE GOVERNOR'S COMMISSION ON
CRIME AND DELINQUENCY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

108:1 Appointment of Unclassified Employees. The governor's commission on crime and delinquency is hereby authorized to appoint, with the approval of the governor and council, persons to the following unclassified positions: one director, two deputy directors, one coordinator, all of whom shall serve at the pleasure of the commission, and the commission, with the approval of the governor and council, may employ them at any point in their salary range.

108:2 Salary Established. Amend RSA 94:1 (supp), as amended, by inserting in the proper alphabetical order the following:

Director of Commission on Crime and Delinquency	\$14,040	\$18,000
Deputy Directors of Commission on Crime and Delinquency (2)	12,480	16,000
Coordinator of Crime and Delinquency	9,020	12,000

108:3 Plans and Reports. The governor's commission on crime and delinquency shall file with the president of the senate and the speaker of the house a copy of any plan which it adopts or recommends and twice each year a complete report of its activities and actions.

108:4 Effective Date. This act shall take effect upon its passage.
[Approved April 25, 1969.]
[Effective date April 25, 1969.]

CHAPTER 109.

AN ACT RELATING TO THE APPROPRIATION FOR MARINE FISHERIES DIVISION
OF THE FISH AND GAME DEPARTMENT FOR THE
FISCAL YEAR ENDING JUNE 30, 1969.

Be it Enacted by the Senate and House of Representatives in General Court convened:

109:1 Marine Fisheries. The sum of twelve thousand five hundred seventeen dollars and seventy-four cents is hereby appropriated to be expended for the marine fisheries division by the fish and game department. This appropriation shall be in addition to the sum appropriated by Laws 1967, Chapter 380 and shall be a charge against revenue and balance of the marine fisheries division.

109:2 Effective Date. This act shall take effect upon its passage.
[Approved April 25, 1969.]
[Effective date April 25, 1969.]

CHAPTER 110.**AN ACT ESTABLISHING THE NEW LONDON DISTRICT COURT.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

110:1 Franklin District. Amend RSA 502-A:1, XVII as inserted by 1963, 331:1 by striking out in line three the following "New London, Webster and Wilmot" and inserting in place thereof the following (and Webster) so that said paragraph as amended shall read as follows: **XVII. Franklin District.** The Franklin district shall consist of the city of Franklin and the towns of Northfield, Danbury, Andover, Boscawen, Salisbury, Hill, and Webster. The municipal court for the city of Franklin is hereby constituted the district court in and for said district and shall be located in said Franklin, holding sessions regularly therein and elsewhere in said district as justice may require. The name of said court shall be Franklin District Court.

110:2 Henniker District. Amend RSA 502-A:1, XVIII as inserted by 1963, 331:1 and amended by 1965, 327:8 by striking out in line two the following "Bradford, Newbury and Sutton" and inserting in place thereof the following (and Bradford) so that said paragraph as amended shall read as follows **XVIII. Henniker District.** The Henniker district shall consist of the towns of Henniker, Warner, and Bradford. The municipal court for the town of Henniker is hereby constituted the district court in and for said district and shall be located in said Henniker, holding sessions regularly therein and elsewhere in said district as justice may require. The name of said court shall be Henniker District Court.

110:3 New District. Amend RSA 502-A:1 as inserted by 1963, 331:1 by inserting after paragraph XVIII the following new paragraph: **XVIII-a. New London District.** The New London district shall consist of the towns of New London, Wilmot, Newbury, and Sutton. The municipal court for the town of New London is hereby constituted the district court in and for said district and shall be located in said New London, holding sessions regularly therein and elsewhere in said district as justice may require. The name of said court shall be New London District Court.

110:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 29, 1969.]

[Effective date June 28, 1969.]

CHAPTER 111.**AN ACT AUTHORIZING THE ESTABLISHMENT OF PROFESSIONAL ASSOCIATIONS.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

111:1 New Chapter. Amend RSA by inserting after chapter 294 the following new chapter:

Chapter 294-A

Professional Associations

294-A:1 Definitions. The following words and phrases as used in this chapter shall have the following meanings unless the context otherwise indicates:

I. "Professional service" means any type of professional service which may be performed only pursuant to a license, certificate, or other legal authorization as provided by RSA 309, 310, 311, 315, 316, 317, 318, 319, 327, 329, 330-A, or 332, granted to certified public accountants, architects, attorneys, podiatrists, chiropractors, dentists, pharmacists, professional engineers, optometrists, physicians and surgeons, psychologists, and veterinarians.

II. "Professional Association" means any association organized under the provisions of this chapter for the sole purpose of rendering a professional service.

III. "Employee" means a person duly licensed or otherwise legally authorized to render professional service within this state who renders such service through a professional association but does not include clerks, bookkeepers, technicians or other individuals who are not usually considered by custom and practice of the profession to be rendering professional services to the public nor does it include any other person who performs all of his employment under the direct supervision and control of an employee who is himself rendering professional service to the public on behalf of the association.

294-A:2 Professional Individuals and Groups May Incorporate. An individual or group of individuals each of whom is licensed or otherwise legally authorized to render the same kind of professional service within this state may organize and become a shareholder or shareholders of a professional association. The Articles of Agreement shall specify a single profession to be practiced and shall state the names and addresses of all original shareholders, directors and officers. There shall be attached to the articles an affidavit, executed in the manner provided in RSA 294:10, which shall certify that all original shareholders, directors, officers and employees are duly licensed or otherwise legally authorized to render professional services in New Hampshire. The association name shall end with the following words or abbreviations: "Professional Association" or "Prof. Ass'n.". Corporations otherwise organized under the laws of this state, whether by special act or under the general law, whose employees furnish professional services, may elect to be governed by this chapter, by providing in the corporation's articles of agreement that the corporation is subject to the provisions of this chapter.

294-A:3 Professional Relationship. The provisions of this chapter do not modify any law applicable to the relationship between a person furnishing professional service and a person receiving such service, including liability arising out of such professional service.

294-A:4 Restricted Issuance of Stock. A professional association may issue its capital stock only to persons who are duly licensed or otherwise legally authorized to render the same professional service as that for which the association was organized.

294-A:5 Annual Statement of Names and Addresses of Stockholders. A professional association shall, on or before April 1st of each year, furnish a statement to the secretary of state showing the names and post office addresses of all shareholders, and shall certify that all its stockholders are duly licensed or otherwise legally authorized to render professional service in this state. This report shall be made on such form as shall be prescribed and furnished by the secretary of state, shall be signed by the president or vice president and the secretary or an assistant secretary of the association, acknowledged and sworn to before a notary public by the persons signing the report, and shall be filed in the office of the secretary of state.

294-A:6 Sale or Transfer of Shares; Merger; Consolidation. A shareholder may sell or transfer his shares in such association only to the association or to another individual who is duly licensed or otherwise legally authorized to render the same professional service as that for which the association was organized. A professional association organized under this chapter may consolidate or merge only with another professional association organized under the provisions of this chapter for the purpose of performing the same kind of professional services. A shareholder may pledge or otherwise encumber his stock as security for any loan, but in the event the security is foreclosed, a transfer shall, within a reasonable time be made only to the association or to another individual who is duly licensed or otherwise legally authorized to render the same professional service as that for which the association was organized. Nothing in this chapter shall prevent title to the shares of a shareholder from passing by inheritance or otherwise by operation of law to the heirs, legatees, or personal representative of a deceased shareholder, or to a conservator, guardian, receiver, or trustee of a shareholder, except that any such person acquiring title to such shares shall within a reasonable time transfer said shares to the association itself or to another individual who is duly licensed or otherwise legally authorized to render the same professional service as that for which the association was organized.

294-A:7 Effect of Incorporation Laws. The provisions of RSA 294 shall apply to professional associations except that in the event there is any conflict between RSA 294 and this chapter the provisions of this chapter shall take precedence.

294-A:8 Penalties. Any person who violates any provision of this chapter shall be fined not more than one hundred dollars. In addition, anyone who has reason to believe that any person is violating any provision of this chapter, may certify the facts to the attorney general, who may, in his discretion, cause appropriate proceedings to be brought in the superior court to restrain any such violations.

111:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 6, 1969.]

[Effective date July 5, 1969.]

CHAPTER 112.

AN ACT RELATIVE TO MEMBERSHIP ON STATE COUNCIL ON AGING.

Be it Enacted by the Senate and House of Representatives in General Court convened:

112:1 State Council on Aging. Amend RSA 167-A:1, as inserted by 1957, 264:1 and as amended by 1961, 222:1 and 277:1 by striking out said section and inserting in place thereof the following: **167-A:1 Council Established.** There shall be a state council on aging to consist of eleven members as follows: The governor shall appoint nine members of the council each for a term of four years, provided that of the first appointments hereunder two shall be appointed for a term of one year, two for a term of two years, two for a term of three years, and three for a term of four years. Said members shall hold office until their successors are appointed and qualified and vacancies shall be filled for the unexpired term. In addition thereto there shall be one member appointed by the president of the senate and one member appointed by the speaker of the house of representatives, said two members to hold office for term for which each is elected. Of the eleven appointed members at least four shall be the age of sixty or over at the time of their appointment. In addition there shall be four persons who will serve in an advisory capacity and who shall be the following officials, namely, the commissioner of health and welfare, the commissioner of education, the commissioner of employment security, and the director of university extension service. In case any department member is unable to serve in said capacity he may appoint a representative from his department to serve in such advisory capacity.

112:2 Officers. Amend RSA 167-A:2, as inserted by 1957, 264:1 and amended by 1961, 222:1 and 277:2 by striking out said section and inserting in place thereof the following: **167-A:2 Organization.** The governor shall name one member of the council to act as chairman. His term of office as chairman shall be for two years. Said chairman shall call the first meeting of the council. The council shall elect a vice-chairman and a clerk.

112:3 Additional Powers and Duties. Amend RSA 167-A:7 (supp) as inserted by 1961, 277:4 and amended by 1965, 12:1 by striking out said section and inserting in place thereof the following: **167-A:7 Federal Funds.** The council shall be the sole, single state agency responsible for carrying out in New Hampshire the purposes of the Older Americans Act of 1965 and any subsequent legislation pursuant to that act and for receiving all federal funds under Title III of said act. The council is authorized also to receive federal funds other than from the Administration on Aging to carry out purposes of this act. The treasurer shall receive and provide custody for all federal funds paid to the state under this act, subject to requisition or disbursement by the council as single state agency. The council is authorized to receive and expend federal funds made available to it.

112:4 Employees. Amend RSA 167-A, by inserting after section 7 the following new sections:

167-A:8 Director. The council shall appoint a director who shall be a classified state employee. Said director, subject to the approval of the council shall, within the limits of available funds, appoint such assistants and

employees and employ professional consultants and make contracts for such services and projects as are deemed necessary to carry out the provisions of this chapter. Said director shall attend all meetings of the council and shall be responsible for implementing policies and programs under this chapter, provided that said implementation shall be subject to review by the council for effectiveness and conformance.

167-A:9 To Administer State Plan. The council shall be the sole and final state agency designated as the single state agency for administering or supervising the administration of the New Hampshire State Plan for Implementing the Older Americans Act of 1965, including final decisions as to disposition of Title III project grant funds. The council shall have authority to submit or revise the New Hampshire state plan and shall be the sole state agency responsible for administering the program described in the state plan.

112:5 Expiration of Terms of Office. The terms of office of the members of the state council on aging in office at the date this act takes effect shall expire as of said date.

112:6 Effective Date. This act shall take effect July 1, 1969.

[Approved May 6, 1969.]

[Effective date July 1, 1969.]

CHAPTER 113.

AN ACT RELATIVE TO THE FILING OF A FINANCIAL STATEMENT BY ORGANIZATIONS SEEKING TAX EXEMPTIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

113:1 Charitable Organizations. Amend RSA 72:23, VI (supp) as amended by 1955, 157:1 and 1957, 202:2 by inserting in line seven after the word "exemption" the following (A duplicate copy of said statement shall be filed annually by June first with each tax assessor or assessing official of the city or town in which the property for which the tax exemption is being sought is located) so that said paragraph as amended shall read as follows: VI. Every charitable organization or society, except those religious and educational organizations and societies whose real estate is exempt under the provisions of III and IV above, shall annually before June first file with the state tax commission upon a form prescribed and provided by the tax commission a statement of its financial condition for the preceding fiscal year and such other information as may be necessary to establish its status and eligibility for tax exemption. A duplicate copy of said statement shall be filed annually by June first with each tax assessor or assessing official of the city or town in which the property for which the tax exemption is being sought is located.

113:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 6, 1969.]

[Effective date July 5, 1969.]

CHAPTER 114.

AN ACT RELATIVE TO QUALIFICATIONS FOR PERSONS SEEKING THE OFFICE OF
COUNTY ATTORNEY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

114:1 Election; Vacancies. Amend RSA 7:33 by striking out said section and inserting in place thereof the following section: **7:33 Election; Vacancies.** There shall be a county attorney for each county, who shall be a member of the New Hampshire bar, elected biennially by the inhabitants of the county. If the county attorney is absent at any term of court or unable to discharge the duties of the office, the superior court, acting as a body, shall appoint a county attorney, who shall be a member of the New Hampshire bar, for the time being and allow said appointee such compensation for his services as they think reasonable.

114:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 6, 1969.]

[Effective date July 5, 1969.]

CHAPTER 115.

AN ACT PROVIDING FOR A RECOUNT OF VOTES ON A SWEEPSTAKES QUESTION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

115:1 Sweepstakes Recount. Amend RSA 284 by inserting between section 284:21-k (supp) and 284:21-l the following new section: **284:21-kk Recount.** Five legal voters of any city or town which shall have voted either upon question (1) or (2) or both of section 21-k of this chapter may within ten days thereafter, petition the secretary of state for a recount of the votes cast upon one or both of said questions. Such application shall be accompanied by a fee of ten dollars for each one thousand ballots or fraction thereof cast at said election in said town, provided, however, that but one fee shall be payable in the event a recount is desired on both questions and in no event shall such fee exceed fifty dollars. The secretary of state shall fix a time for such recount and shall notify the petitioners and the selectmen, clerk and moderator of the town, or the mayor and clerk of the city, by mail, of the time and place so fixed. He shall request the clerk having custody of the ballots to forward them forthwith to the secretary of state, and the clerk shall immediately forward such ballots.

115:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 6, 1969.]

[Effective date July 5, 1969.]

CHAPTER 116.

AN ACT AUTHORIZING THE LAPSE OF CERTAIN ACCOUNTS TO THE GENERAL FUND AND
REDUCING THE APPROPRIATION TO CERTAIN DEPARTMENTS.

*Be it Enacted by the Senate and House of Representatives in General Court
convened:*

116:1 State Employees' Retirement System Bond Issue. The authority of the state treasurer to issue further bonds for the Employees Retirement System as authorized by RSA 100:15 is hereby canceled, and the balance of the bonds unissued in the amount of nine thousand dollars is hereby lapsed. In addition thereto, the balance of five hundred sixty-seven thousand, nineteen dollars and fifty-six cents carried as an appropriation balance in the special fund, available only for the accrued liability contribution of the state towards the Employees Retirement System, shall be lapsed to the state general fund.

116:2 Division of Welfare. Amend Laws of 1967, 380:1 by inserting after the net appropriation for division of welfare in the department of health and welfare the following:

NOTE: Other provisions of law notwithstanding, any balance remaining in state accounts at the close of the fiscal year shall lapse to the state general fund.

116:3 Water Supply and Pollution Control Commission. Amend Laws of 1967, 380:1 by striking out in the appropriation for water supply commission the line "State aid grants* 1,603,186" and inserting in place thereof the following (State aid grants* 632,326). Further amend said section by striking out in the appropriation for water pollution commission the line "Total for water pollution commission \$2,036,622" and inserting in place thereof the following (Total for water pollution commission \$1,065,762).

116:4 Division of Parks. Amend Laws of 1967, 380:1 by striking out Note 1 after the net appropriation for division of parks in the department of resources and economic development and inserting in place thereof the following:

Note 1: Any unexpended balance in the recreation fund at June 30, 1969 shall lapse to the unappropriated surplus of the general fund.

116:5 Department of Centralized Automated Data Processing. Amend Laws of 1967, 253:2 by striking out in lines four and five the words "and seventy-five" so that said section as amended shall read as follows: **253:2 Appropriation.** There is hereby appropriated for the department of centralized automated data processing for the fiscal year ending June 30, 1968, the sum of seventy-five thousand dollars and there is hereby appropriated for said department the sum of one hundred thousand dollars for the fiscal year ending June 30, 1969. The sums hereby appropriated shall be expended, for expenses for administration of RSA 8-C, as inserted by this act which purposes may include but not limited to the rental or purchase of equipment. The sums appropriated for the fiscal year ending June 30, 1968, shall not lapse but may be expended in the succeeding fiscal year. **The**

governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

116:6 Effective Date. This act shall take effect on passage.

[Approved May 6, 1969.]

[Effective date May 6, 1969.]

CHAPTER 117.

AN ACT RELATIVE TO THE DISTRIBUTION TO AND COUNTING OF BALLOTS IN ADDITIONAL POLLING PLACES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

117:1 Uniform Time for Polls to Open. Amend RSA 39 by inserting after section 2-a (supp) the following new section: **39:2-b Time Polls Open.** The warrant for any town meeting shall provide that polls at the additional polling place, if any, shall open at the same time as the polls at the central polling place.

117:2 Time for Sealing Check-lists and Ballots. Amend RSA 59:49 by striking out said section and inserting in place thereof the following: **59:49 Sealing Check-lists and Ballots.** Before the polls are opened at the central polling place on the day of the general election the town clerk shall seal up the duplicate copies of the check-list for each additional polling place, lodged with him by the supervisors, with a number of blank ballots equal to the number of voters on such check-list and fifty additional ballots. This package shall be prepared and sealed in the presence of the moderator and selectmen and delivered to the assistant moderator of the additional polling place by two election officers designated by the moderator, who shall carry the same to such polling place with all reasonable speed.

117:3 Counting of Ballots at Additional Polling Place. Amend RSA 59 by inserting after section 51 the following new section:

59:51-a Optional Ballot Tabulation at Additional Polling Place.

I. Notwithstanding the provisions of section 51, the moderator may, by written order, instruct the assistant moderator to tabulate the votes in the presence of and with the assistance of the assistant town clerk and the other election officials at the additional polling place where they were cast. If such an order is given, immediately after the polls are closed the ballots shall be examined and the votes for the several candidates and on any question submitted shall be counted by the assistant moderator in the manner prescribed by this chapter. After the tabulation is complete, the assistant moderator shall place the counted ballots in the ballot box and shall seal it up, and the assistant town clerk shall certify the same. He shall also seal up the duplicate check-lists used at the additional polling place, together with the spoiled and unused ballots. He and the assistant town clerk shall then deliver the ballot box, check-lists, unused and spoiled ballots, and a written report of his tabulation, signed by him and the assistant town

clerk, to the moderator of the town at the central polling place without delay. The moderator shall combine the tabulations of the additional polling places with that of the ballots cast at the central polling place and shall announce the result of the ballot of the entire town as a single compiled tabulation.

II. If the assistant moderator does not receive a written order from the moderator instructing him to tabulate the votes at the additional polling place, he shall comply with the provisions of section 51.

117:4 Effective Date. This act shall take effect upon its passage.

[Approved May 9, 1969.]

[Effective date May 9, 1969.]

CHAPTER 118.

AN ACT PROHIBITING MOTORBOATS ON WILLARD POND IN ANTRIM.

Be it Enacted by the Senate and House of Representatives in General Court convened:

118:1 Willard Pond. Amend RSA 486 by inserting after section 8 (supp) the following new section: **486:9 Willard Pond.** On or after the date of the passage of this act, no person shall use or operate any motorboat or other boat equipped with a motor of greater than six horsepower, or at greater than trolling speed, upon the waters of Willard Pond in the town of Antrim. Whoever violates any of the provisions of this section shall be fined not more than fifty dollars.

118:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 9, 1969.]

[Effective date July 8, 1969.]

CHAPTER 119.

AN ACT MAKING IT ILLEGAL TO DRIVE WHILE UNDER THE INFLUENCE OF HALLUCINOGENIC DRUGS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

119:1 Hallucinogenic Drugs. Amend RSA 262-A:62 as inserted by 1963, 330:1 by inserting in line three, after the word "narcotic" the following word (hallucinogenic) so that said section as amended shall read as follows: **262-A:62 Intoxication or Under Influence of Drugs.** Any person who shall be convicted of operating, or attempting to operate a motor vehicle upon any way while under the influence of intoxicating liquor, or any narcotic, hallucinogenic or habit-producing drug, shall be imprisoned for not more than six months or shall be fined not more than five hundred

dollars, or both; his license shall be revoked for a period of sixty days and at the discretion of the court for a period not to exceed two years. Upon a second conviction he may be imprisoned for not less than one month nor more than six months, and fined not less than one hundred nor more than five hundred dollars; his license shall be revoked and he shall be ineligible for a license for the next three calendar years, provided, however, that any prior conviction, upon which a second offense complaint is founded, must have occurred within seven years preceding the date of said second offense.

119:2 Implied Consent. Amend RSA 262-A:69-a as inserted by 1965, 238:1 by inserting in line five after the word "alcoholic" the words (narcotic or drug and by inserting in lines eight and twelve after the word "liquor" the words (narcotics or drugs) so that said section as amended shall read as follows: **262-A:69-a Implied Consent of Driver of Motor Vehicle to Submit to Chemical Testing to Determine Alcoholic Content of Blood.** Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent to a chemical test or tests of his blood and urine for the purpose of determining the alcoholic, narcotic or drug content of his blood, if arrested for any offense arising out of acts alleged to have been committed while the person was driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor, narcotics or drugs. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor, narcotics or drugs. A copy of the report of any such test shall be furnished by the law enforcement agency to the person tested within forty-eight hours of receipt of the report by the agency by registered mail directed to the address shown on such person's license or other identification furnished by the person.

119:3 Refusal. Amend RSA 262-A:69-e as inserted by 1965, 238:1 by inserting in line nine after the word "liquor" the words (narcotics or drugs) so that said section as amended shall read as follows: **262-A:69-e Refusal of Consent.** If a person under arrest refuses upon the request of a law enforcement officer to submit to a chemical test designated by the law enforcement officer as provided in section 69-a, none shall be given, but the director of the division of motor vehicles, upon the receipt of a sworn report of the law enforcement officer containing the following: (1) that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor, narcotics or drugs; (2) the facts upon which the reasonable grounds to believe such are based; (3) that the person had been arrested; (4) that the person had refused to submit to the test upon the request of the law enforcement officer; (5) that he informed the arrested person of his right to have a similar test or tests conducted by a person of his own choosing, and (6) that he informed the arrested person of the fact that refusal to permit the test will result in revocation of his license, shall revoke his license to drive or non-resident operating privilege for a period of ninety days; or if the person is a resident without a license or permit to operate a motor vehicle in this state, the director of the division of motor vehicles shall deny to the person

the issuance of a license for a period of ninety days after the date of the alleged violation, subject to review as hereinafter provided.

119:4 Review. Amend RSA 262-A:69-f as inserted by 1965, 238:1 by inserting in line twelve after the word "liquor" the words (narcotics or drugs) so that said section as amended shall read as follows: **262-A:69-f Administrative Review.** Upon revoking the license or nonresident operating privilege of any person, or upon determining that the issuance of a license shall be denied to the person as directed in 69-e, the director of the division of motor vehicles shall immediately notify the person in writing and upon such person's request within thirty days after such notification shall within ten days after receipt of the request afford him an opportunity for a hearing before the director of the division of motor vehicles or his authorized agent. The scope of such a hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor, narcotics or drugs; whether the person was placed under arrest; whether he refused to submit to the test upon the request of the officer; whether the person was informed that his privilege to drive would be revoked or denied if he refused to submit to the test, and whether the person was informed of his right to have a chemical test or tests made by a person of his own choosing. The director of the division of motor vehicles shall order that the revocation or determination that there should be a denial of issuance be rescinded or sustained. A copy of such order shall be sent to the person affected thereby and shall contain a statement informing the person of his right of appeal.

119:5 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 9, 1969.]

[Effective date July 8, 1969.]

CHAPTER 120.

AN ACT RELATIVE TO CERTIFICATES WITHOUT EXAMINATION FOR THE PRACTICE OF
PSYCHOLOGY AND RELATIVE TO ASSOCIATE PSYCHOLOGISTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

120:1 Practice of Psychology. Amend RSA 330-A:13, as inserted by 1957, 121:1 by striking out said section and inserting in place thereof the following: **330-A:13 Certificate Without Examination.** The board may grant a certificate without examination to any person who meets the other requirements of this chapter and who (1) at the time of application is certified by a board of examiners of another state provided that the requirements of such a state for such certification were substantially the equivalent of the requirements of this chapter, or (2) who at the time of application has been awarded the status of diplomate by the American Board of Professional Psychology, Inc.

120:2 Persons Excepted. Amend RSA 330-A:16 as inserted by 1957, 121:1 by inserting after paragraph II the following new paragraph: III. The activities and services of an associate psychologist within the requirements of RSA 330-A:16-a.

120:3 Terms Defined. Amend RSA 330-A, as inserted by 1957, 121:1 by inserting after section 16 the following new section:

330-A:16-a Associate Psychologist.

I. An associate psychologist is a person who (a) has received the master's degree based upon a program of study whose content was primarily psychological from an accredited educational institution having a graduate program or its substantial equivalent in both subject matter and extent of training, (b) has submitted to the board such recommendations, transcripts, and evidences of his work as the board shall require, and (c) is employed in an agency, institution, or organization that contracts for the services of a psychologist certified under the provisions of this chapter, provided such associate psychologist is under the direct supervision of the certified psychologist, meets the certified psychologist at the employing agency on a regular basis, and further provided that the certified psychologist is willing to assume professional responsibility for the activities and services of such associate psychologist at that agency, institution, or organization under terms of a written agreement.

II. In the event that the certified psychologist terminates his contract with that agency, institution, or organization, he shall notify the board to that effect before the date of his termination of contract. Unless and until another certified psychologist, similarly employed by that agency, institution, or organization, notifies the board that he is willing to assume the professional responsibility for the activities and services of the associate psychologist, under terms of a written agreement such associate psychologist may not use the title associate psychologist in association with any of his activities and services.

III. In the event that a certified psychologist informs the board in writing that he is no longer willing to assume the professional responsibility for the activities and services of an associate psychologist, such associate psychologist may not use the title associate psychologist in association with any of his activities and services unless and until another certified psychologist similarly employed by that agency, institution or organization informs the board that he is willing to assume the professional responsibility for the activities and services of the associate psychologist under terms of a written agreement.

IV. Each written agreement referred to in this section shall, before becoming effective, be approved by the board and each agreement and its execution shall be reviewed by the board at least annually.

V. Nothing in this chapter shall be construed as sanctioning, permitting, or allowing an associate psychologist to render or offer to render services as an associate psychologist except under the conditions and provisions specified in this section or in any other fashion to engage in the independent or private practice of such activities and services.

120:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 9, 1969.]

[Effective date July 8, 1969.]

CHAPTER 121.

AN ACT RELATIVE TO PROTECTION OF CONFIDENTIAL MEDICAL INFORMATION OBTAINED FOR RESEARCH PURPOSES BY THE DEPARTMENT OF HEALTH AND WELFARE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

121:1 Certain Research Information Confidential. Amend RSA 126-A (supp) as inserted by 1961, 222:1 by inserting after section 4 the following new section:

126-A:4-a Medical and Scientific Research Information.

I. Personal medical and/or other scientific data of any kind whatsoever obtained for the purpose of medical or scientific research by the commissioner or by any person, organization, or agency authorized by the commissioner to obtain such data shall be confidential and shall be used solely for medical or scientific purposes. Such data shall include, but not be limited to, all information, records of interviews, written reports, statements, notes, memoranda, or other data procured in connection with such scientific studies and research conducted by the department, or by other persons, agencies, or other organizations so authorized by the commissioner.

II. No hospital, sanitarium, rest home, nursing home, other person or agency shall be held liable in any action for damages or other relief arising from the furnishing of personal medical and/or other scientific data to the department of health and welfare or to the representative of an authorized medical or scientific research project.

III. Personal medical and/or other scientific data obtained by the department of health and welfare or by an authorized research project shall not be admissible as evidence in any action of any kind in any court or before any tribunal, board, agency or person.

IV. Personal medical and/or other scientific data shall not be exhibited nor their contents disclosed in whole or in part by any officer or employee of the department, or by any other person, except as may be necessary to further the study or research project to which they relate.

V. Any person who violates the provisions of this section by the unauthorized disclosure of any confidential medical or scientific data, in whole or in part, shall be fined not more than two hundred and fifty dollars.

121:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 9, 1969.]

[Effective date July 8, 1969.]

CHAPTER 122.

AN ACT RELATIVE TO TAXATION OF REAL ESTATE SEPARATE FROM ORE, SAND, GRAVEL, LOAM OR SIMILAR SUBSTANCES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

122:1 Taxation. Amend RSA 72:13 by striking out said section and inserting in place thereof the following: **72:13 Mines, Sand, Gravel, Loam, or Other Similar Substances.** Real estate shall be taxed independently of any mines or ores contained therein until such mines or ores shall become a source of profit, and independently of any sand, gravel, loam, or other similar substances contained therein until any of them shall become a source of profit; except when such mines, ores, sand, gravel, loam, or other similar substances, or rights therein are owned by some person other than the one to whom such real estate is taxed, in which case they shall be taxed as real estate to such other person.

122:2 Effective Date. This act shall take effect April 1, 1970.

[Approved May 9, 1969.]

[Effective Date April 1, 1970.]

CHAPTER 123.

AN ACT TO INCREASE THE LOBBYISTS REGISTRATION FEE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

123:1 — Fee for Registration. Amend RSA 15:2 (supp) as amended by 1957, 78:1 by striking out in line three the words "ten dollars" and inserting in place thereof the following (twenty-five dollars) so that said section as amended shall read as follows: **15:2 — Fee for Registration.** The fee for registration as legislative counsel for any one employer for any one legislative session, in accordance with the provisions of section 1 of this chapter, shall be twenty-five dollars; provided, however, that where the registrant is a member of a partnership, a partner or associate of said partnership may substitute for the registrant as legislative counsel for the same employer without payment of any additional fee.

123:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 9, 1969.]

[Effective date July 8, 1969.]

CHAPTER 124.

AN ACT PROVIDING FOR AN ASSOCIATE JUSTICE AND A DEPUTY CLERK FOR THE MANCHESTER DISTRICT COURT AND INCREASING THE MAXIMUM SALARY PROVISIONS FOR JUSTICES OF DISTRICT COURTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

124:1 Associate Justice. Amend RSA 502-A by inserting after section 502-A:3 the following new section: **502-A:3-a Associate Justice, Manchester District Court.** The Manchester District Court in addition to the justice shall have a full-time associate justice appointed and commissioned by the governor, with advice and consent of the council, as prescribed by the constitution who shall have the same qualifications and powers as prescribed for the justice.

124:2 Deputy Clerk. Amend RSA 502-A by inserting after section 502-A:7 the following new section: **502-A:7-a Deputy Clerk, Manchester District Court.** The Manchester District Court shall have a deputy clerk of court appointed by the justice thereof, who shall hold office during the pleasure of the justice appointing him. He shall have the qualifications, powers and duties as prescribed for clerks of district courts.

124:3 Salary, Associate Justice. Amend RSA 502-A:6 as inserted by 1963, 331:1 and amended by 1965, 138:1, 294:1 and 1967, 193:1, 438:1 by inserting after paragraph I the following new paragraph: **I-a. Salary of Associate Justice, Manchester District Court.** The annual salary of the associate justice of the Manchester District Court shall be in an amount equal to ninety percent of the salary paid the justice, as provided in paragraph I.

124:4 Salary of Deputy Clerk. Amend RSA 502-A:6 as inserted by 1963, 331:1 and amended by 1965, 138:1, 294:1 and 1967, 193:1, 438:1 by inserting after paragraph III the following new paragraph: **IV. Salary of Deputy Clerk, Manchester District Court.** The annual salary of the deputy clerk of the Manchester District Court shall be in an amount equal to sixty percent of the salary paid the associate justice, as provided in paragraph I-a.

124:5 Maximum Salary. Amend RSA 502-A:6, I, as inserted by 1963, 331:1 and amended by 1967, 438:1, by striking out in line fourteen the word "eighteen" and inserting in place thereof the word (nineteen) so that said paragraph as amended shall read as follows: **I. Salaries of Justices.** The cities and towns in which the district courts are regularly located shall annually appropriate and pay the justices of the district courts salaries computed in the following manner: for the first fifteen hundred cases, three hundred and fifty dollars for each one hundred cases or fraction thereof; for the next one thousand cases, three hundred dollars for each one hundred cases or fraction thereof; and for all cases over twenty-five hundred, one hundred and fifty dollars for each one hundred cases or fraction thereof provided that the sum of five hundred dollars shall be added to the salary of each justice of a district court which has exclusive civil jurisdiction in cases where the damages do not exceed five hundred dollars. No justice shall be paid a salary less than a sum equal to one hundred and eighty dollars for each thousand persons residing in the district, as reported in the

last federal census, and no justice shall receive a salary greater than nineteen thousand dollars a year. The total cases reported annually from each district court to the judicial council shall be used in the computation of the salary of each justice as provided herein. The administrative committee of the district and municipal courts shall compute the salaries as provided in this section and shall annually, in November, notify the local governing body of each city or town in which each district court is regularly located the amount to be paid the justice, special justice and clerk for the next calendar year.

124:6 Effective Date. This act shall take effect July 1, 1969.

[Approved May 9, 1969.]

[Effective date July 1, 1969.]

CHAPTER 125.

AN ACT ENABLING TOWNS TO HAVE A CONTINGENCY FUND WITHOUT BEING REQUIRED TO PUT A SPECIAL ARTICLE IN THE WARRANT EACH YEAR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

125:1 Powers of Towns. Amend RSA 31:4 as amended by 1957, 85:1, 186:1; 1961, 81:1, 168:1; 1963, 90:1; 1965, 8:1, 224:1 and 1969, 49:1 by inserting after paragraph XLI (supp) the following new paragraph: **XLII. Contingency Fund.** To provide a contingency fund to meet the cost of unanticipated expenses that may arise during the year, to be expended by the selectmen who shall make a detailed report of all expenditures from said fund to be published annually with their report. The amount in said fund shall not exceed one per cent of the amount appropriated by the town for town purposes during the preceding year.

125:2 Repeal. RSA 31:98 (supp) as inserted by 1965, 123:1, relative to placing an article in the town warrant for a contingency fund, is hereby repealed.

125:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 9, 1969.]

[Effective date July 8, 1969.]

CHAPTER 126.

AN ACT AUTHORIZING TOWNS TO ENTER INTO AGREEMENTS WITH OTHER GOVERNMENTAL UNITS FOR REFUSE COLLECTION AND DISPOSAL AND THE MAINTENANCE AND OPERATION OF AMBULANCES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

126:1 Refuse Collection and Disposal; Operation of Ambulances.

Amend 53-A:3, (supp) as inserted by 1963, 275:14, by inserting at the end thereof the following new paragraphs:

XII. The construction, maintenance and operation of refuse collection and disposal.

XIII. The maintenance and operation of ambulances.

126:2 **Effective Date.** This act shall take effect sixty days after its passage.

[Approved May 9, 1969.]

[Effective date July 8, 1969.]

CHAPTER 127.

AN ACT RELATIVE TO EXPENSES OF EXTINGUISHING FIRES IN UNINCORPORATED PLACES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

127:1 **Extinguishing Fires.** Amend RSA 28 by inserting after section 7 the following new section: 28:7-a **Extinguishing Fires.** They may pay the expense of extinguishing fires of any kind in unincorporated areas.

127:2 **Effective Date.** This act shall take effect sixty days after its passage.

[Approved May 9, 1969.]

[Effective date July 8, 1969.]

CHAPTER 128.

AN ACT TO EXTEND THE AMOUNT AND REPAYMENT TIME OF LOANS AND TO PROVIDE FOR UNSECURED LOANS FOR ANY PURPOSE MADE BY COOPERATIVE BANKS AND BUILDING AND LOAN ASSOCIATIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

128:1 **Unsecured Loans.** Amend RSA 393:15-a as amended by 1955, 140:1; 1957, 194:1; and 1967, 205:1 by striking out said section and inserting in place thereof the following:

393:15-a **Unsecured Loans.** A loan association or cooperative bank may loan its funds as follows:

I. In loans insured by the Federal Housing Commission under Title I of the National Housing Act of 1934 with all subsequent amendments thereto.

II. In loans on improved real estate for the purpose of financing the repair, alteration, improvement or rehabilitation without the additional security of a lien upon such real estate; Provided that (a) the loan asso-

ciation or cooperative bank is the holder of the first mortgage upon the property to be improved; (b) the net proceeds of any such loan do not exceed five thousand dollars; (c) each such loan is evidenced by one or more negotiable notes; (d) each loan is repayable on demand or in regular monthly installments within a period of seven years.

III. In loans, with or without security, for any purpose, provided that no such loan shall exceed four thousand dollars, such loan to be repayable on demand or in regular monthly installments within a period of four years, however, if the indebtedness is incurred for the purpose of mobile home financing and the mobile home is taken as security, such mobile home loan shall not exceed five thousand dollars and such loan shall be repayable in regular monthly installments within a period of seven years.

IV. The aggregate amount of all loans in paragraphs II and III shall not exceed fifteen per cent of the association's or cooperative bank's assets. Loans without security shall have suitable financial information on file warranting the extension of the loan.

128:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 9, 1969.]

[Effective date July 8, 1969.]

CHAPTER 129.

AN ACT RELATIVE TO CONTINUANCE OF CASES FOR NONSUPPORT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

129:1 Cases for Nonsupport. Amend RSA 460:26 by inserting in line one after the words "the court may" the words (continue the case for sentence or) so that said section as amended shall read as follows: **460:26 Continuance or Suspension of Sentence.** Upon conviction, the court may continue the case for sentence or suspend sentence upon, and during compliance by the defendant with, any order for support theretofore made against him.

129:2 Effective Date. This act shall take effect upon its passage.

[Approved May 9, 1969.]

[Effective date May 9, 1969.]

CHAPTER 130.

AN ACT RELATIVE TO THE GOOD SAMARITAN LAW.

Be it Enacted by the Senate and House of Representatives in General Court convened:

130:1 Compensation for Emergency Care. Amend RSA 508:12 as inserted by 1967, 128:1 by striking out in lines two and three the words "with-

out receiving any compensation for the care" and by inserting in line seven after the word "care" the following (as long as he receives no compensation for the care from or on behalf of the person cared for) so that said section as amended shall read as follows: **508:12 Emergency Care.** If a person in good faith renders emergency care at the place of the happening of an emergency, to a person who is in urgent need of care as a result of the emergency, and if the acts of care are made in good faith and without willful or wanton negligence, the person who renders the care is not liable in civil damages for his acts or omissions in rendering the care, as long as he receives no compensation for the care from or on behalf of the person cared for, and provided further that any person rendering emergency care shall have the duty to place the injured person under the care of a physician, nurse, ambulance driver, or other person qualified to care for such person as soon as possible and to obey the instructions of such qualified person.

130:2 Effective Date. This act shall take effect sixty days after passage.

[Approved May 9, 1969.]

[Effective date July 8, 1969.]

CHAPTER 131.

AN ACT RELATIVE TO ABANDONED OR NEGLECTED CEMETERY LOTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

131:1 Abandoned Lots. Amend RSA 289 by inserting after section 18 the following new subdivision:

Abandoned or Neglected Lots

289:19 Definitions. For the purposes of this subdivision, the following words shall have the following meanings:

I. "Cemetery" shall mean any public cemetery owned, managed or controlled by any city or town within this state or by any voluntary corporation organized for the purpose of operating a cemetery for the benefit of the public.

II. "Cemetery Board" shall mean any board, trustee or public official or officials invested by law with the duty of managing or controlling any cemetery or any board of trustees managing or controlling a cemetery owned by a voluntary corporation.

III. "Burial space" shall mean a lot in any cemetery as designed and intended for the interment of human bodies or of a human body, but not used for such purpose.

IV. "Owner" shall mean any person or persons owning or possessing the privilege, license or right of interment in any burial space.

289:20 Abandoned Lots, Forfeiture Proceedings; etc.

I. Whenever the owner of any burial space or spaces in any public cemetery subject to the provisions of this subdivision shall have failed and neglected for a period of twenty years or more to care for and maintain such space or spaces in accordance with the laws, rules and regulations relating thereto and providing for such care and maintenance, the board or other officials having jurisdiction over such cemetery may institute proceedings for the termination and forfeiture of the rights and interests of such owner.

II. Whenever such board or other officials shall determine the fact as to such failure and neglect, a resolution reciting such determination shall be duly adopted and a certified copy thereof shall be served on the owner personally by any competent person, or shall be sent by registered mail to his last known address.

III. If compliance with said rules and regulations is not effected, or provisions therefor made, within thirty days after service of notice as required by paragraph II, said board may file a petition in the superior court of the county in which said cemetery is located for the termination and forfeiture of the rights of the owner thereof. Said petition shall set forth the facts relating to the sale and ownership of such burial space or spaces and the failure and neglect to comply with the rules and regulations for the care and maintenance thereof.

IV. There shall be a hearing on said petition on a date not less than forty days after the date of filing.

V. A copy of said petition with notice of hearing thereon shall be personally served upon said owner within fifteen days after the date of filing or, in lieu of such personal service, copies thereof shall be sent by registered mail to the last known address of such owner within fifteen days after the date of filing and a notice of hearing thereon shall be published once each week for three successive weeks in some newspaper of general circulation in said county, the first publication being made not less than thirty days before the date of hearing.

VI. It shall be the duty of such owner to appear and make answer to the allegations of said petition and in case of his failure so to do prior to the day noticed for hearing, his default shall be entered in the same manner as is provided for the entering of defaults in equity cases generally.

289:21 Order of Forfeiture with Right to Resell. Upon a finding by the court that the owner has failed and neglected for a period of twenty years preceding the filing of said petition to comply with the rules and regulations relating to maintenance and care of said burial space or spaces, it shall order that the rights and interests of said owner are forfeited and terminated and that the city, town or voluntary corporation operating said cemetery shall have the right to resell such space or spaces and to use the proceeds as provided in section 289:25. A duly certified copy of said order shall be, within ten days, personally served upon such owner or be sent by registered mail to his last known address.

289:22 Redemption. The owner may, within sixty days of the date of the order, redeem his interest and rights in said space or spaces by complying with the rules and regulations relative to the care and maintenance

thereof and by paying the costs of the proceedings, not exceeding fifteen dollars. If the owner does so redeem, the order of termination and forfeiture shall be set aside.

289:23 Duties of Boards. It shall be the duty of cemetery boards to keep an accurate account of all expenses incurred by them under the provisions of this subdivision and to charge the same against the burial space or spaces involved. If the owner fails to redeem his rights as provided in section 289:22, the board shall maintain and care for the burial space or spaces and shall keep an accurate and detailed account of all money expended for such purpose.

289:24 Reconveyance of Lot. At any time during the period of two years from and after the date of the order of termination and forfeiture, the owner of any burial space or spaces shall be entitled to a reconveyance to him by the cemetery board upon the payment of the costs and expenses incurred in said proceeding, not exceeding fifteen dollars, and the costs and expenses incurred in the care and maintenance of said spaces.

289:25 Sale; Trust Fund. If the owner does not obtain a reconveyance as provided in section 289:24 within the said two years, the cemetery board shall sell such space or spaces in accordance with the rules and regulations governing the sale of lots and spaces in said cemetery. The proceeds from said sale shall be used to defray the expenses incurred in accordance with the provisions of this subdivision and the balance, if any, shall be placed in a fund to be known as the "perpetual care trust fund" of the cemetery. The income therefrom shall be used by the board for the future maintenance, care and upkeep of the cemetery.

289:26 Rights not Forfeited. Nothing in this subdivision shall be construed to authorize the forfeiture or termination of rights or interests in and to any burial space or spaces that have been used for interment nor shall any such space or spaces be subject to resale under the provisions hereof.

131:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 9, 1969.]

[Effective date July 8, 1969.]

CHAPTER 132.

AN ACT RELATIVE TO AIR RIFLES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

132:1 Limitations on Air Rifles. Amend RSA 571:20-a (supp) as inserted by 1967, 65:2 by striking out said section and inserting in place thereof the following: **571:20-a Selling Air Rifles to Minors.** If any person shall sell, barter, rent, lend, or give an air rifle to a minor under the age of twenty-one without the written consent of the parents or guardian, as the case may

be, he shall be subject to the penalties and liabilities provided for in section 20. Air rifles may be used in New Hampshire only in the home of the minor under parental supervision or on an approved range under responsible adult supervision. Air rifles may be possessed by a minor only in his own home under parental supervision or on the way to or from an approved range that is under the supervision of a responsible adult such as an instructor in gun safety or marksmanship.

132:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 13, 1969.]

[Effective date July 12, 1969.]

CHAPTER 133.

AN ACT PROVIDING FOR THE ACQUISITION OF WATER RIGHTS AND DAM
AT SEWALLS FALLS IN CONCORD.

Be it Enacted by the Senate and House of Representatives in General Court convened:

133:1 New Chapter. Amend RSA by inserting after chapter 481-C as inserted by 1963, 207:1 the following new chapter:

Chapter 481-D Sewalls Falls Dam in Concord

481-D:1 Acquisition Authorized. For a sum of ten thousand dollars paid to the water resources board by the Concord Electric Company, said board is hereby authorized to accept conveyances from the owners thereof the following described properties for the purpose of improving and controlling certain water rights for the benefit of the state: Dam, water rights, and lands connected therewith known as the Sewalls Falls dam on the Merrimack River in the city of Concord.

481-D:2 Repairs and Improvements. Said board after said acquisition may from time to time make repairs and modifications to said dam so acquired or rebuild the same so as to best serve the interest of this state; provided however, in the event a fish ladder has to be constructed, the cost shall be a charge against Fish and Game funds.

481-D:3 Tax Exemption. The properties hereby authorized to be acquired by the water resources board for the benefit of the state shall be exempt from taxation so long as said properties are held by the state.

481-D:4 Sewalls Falls Dam Fund. The money received under section 1 and any other revenue received for the same purposes shall be paid to the water resources board and held in a special fund to be used exclusively for the repair and maintenance of the Sewalls Falls Dam in Concord. Expenditures from this fund may be made for the purposes hereof by the water resources board with the prior approval of the governor and council.

133:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 13, 1969.]

[Effective date July 12, 1969.]

CHAPTER 134.

AN ACT RELATIVE TO THE AMOUNT OF REAL ESTATE LOANS AND INVESTMENTS OF
BUILDING AND LOAN ASSOCIATIONS AND COOPERATIVE BANKS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

134:1 Limitations on Amount of Real Estate Loans and Investments. Amend RSA 393:18 as amended by 1961, 136:4; 1963, 313:2; 1965, 317:2 and 1967, 120:1 by striking out said section and inserting in place thereof the following: **393:18 Limitations on the Amount of Real Estate Loans and Investments.** A cooperative bank or building and loan association or savings and loan association may loan its funds upon the security of a first lien on real estate provided that no more than thirty thousand dollars or more than one per cent of the assets of the association, whichever is greater, is loaned on any one property. Loans in excess of ten thousand dollars may not exceed ninety per cent of the appraised value of any one property and loans in excess of twenty-five thousand dollars may not exceed eighty per cent of the appraised value of any one property. These limitations shall not apply to loans insured or guaranteed by the Federal Housing Administration, the Veterans Administration, or the State of New Hampshire. Notwithstanding the foregoing limitations of this section, an association may make a loan in connection with the sale of real estate acquired by the association for the purpose of providing offices for the transaction of the business of the association, or acquired under a foreclosure or a deed in lieu of foreclosure, in an amount not to exceed the sale price the association receives from such real estate.

134:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 13, 1969.]

[Effective date July 12, 1969.]

CHAPTER 135.

AN ACT RELATIVE TO APPROVAL OF BONDS OF TOWN CLERKS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

135:1 Approval by Tax Commission. Amend RSA 41:6 by striking out in line one the words "clerk and" and inserting in line three after the word "each" the words (town clerk) so that said section as amended shall

read as follows: **41:6 Surety Company Bonds, When Required.** Each town treasurer shall furnish a bond of a reputable surety company in the form required by the tax commission, and each town clerk, tax collector and deputy tax collector shall furnish a bond of a reputable surety company in the form and amount required by the tax commission. The premiums shall be paid by the town.

135:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 13, 1969.]

[Effective date July 12, 1969.]

CHAPTER 136.

AN ACT REPEALING THE PARTICULAR STATUTE WHICH EXEMPTS FROM POLL TAXES
PERSONS IN MILITARY SERVICE DURING WORLD WAR II.

Be it Enacted by the Senate and House of Representatives in General Court convened:

136:1 Repeal. RSA 72:4, relative to exemption from poll taxes for World War II military personnel, is hereby repealed.

136:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 13, 1969.]

[Effective date July 12, 1969.]

CHAPTER 137.

AN ACT RELATIVE TO HUNTING ON ISLANDS BY CERTAIN DISABLED PERSONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

137:1 Amputee. Amend RSA 208:6-a as inserted by 1963, 315:2 by striking out said section and inserting in place thereof the following: **208:6-a Hunting on Islands by Certain Disabled Persons.** Notwithstanding those provisions of section 2 of this chapter which relate to the taking of deer upon islands, the director may designate one or more islands upon which deer may be taken by paraplegics, amputees, and other non-ambulatory persons, in accordance with this section. An eligible person desiring to take advantage of this section, and who is properly licensed under the provisions of this title to take deer, shall apply to the director at least fifteen days before the beginning of the open season for deer as prescribed in said section 2 in the area in which he desires to hunt. Upon receipt of such applications, the director shall make such provisions as, in his discretion, shall as fully as possible effectuate the purposes hereof, having regard to the deer population on said designated islands and the number and physi-

cal condition of persons desiring to hunt thereon. He may allocate sections or portions of any such island to designated applicants for specific dates, which dates shall be during the open season for taking deer; and he may revoke permits theretofore granted when deer population in any location shall have been reduced to desired limits. The director may make rules or regulations governing the conduct of persons accompanying or assisting eligibles. Permission granted hereunder shall be evidenced by a permit in a form prescribed and issued by the director.

137:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 13, 1969.]

[Effective date July 12, 1969.]

CHAPTER 138.

AN ACT RELATIVE TO THE PLACE AND HOURS OF BUSINESS OF TAX COLLECTORS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

138:1 Collector to be at Usual Place of Business One Day Each Month. Amend RSA 41:35 (supp) as amended by 1965, 27:1 and 1967, 111:1 by striking out said section and inserting in place thereof the following: **41:35 Duties of Collector.** Every collector of taxes shall keep in suitable books a fair and correct account in detail of the taxes due, collected, and abated, and of all property sold for nonpayment of taxes, which books shall be public records. He shall on or before the tenth day of the following month pay over to the town treasurer all money collected by him in the preceding month and make final payment to the town treasurer of all moneys collected by him on or before December thirty-first or as soon as possible after that date. He shall submit his tax books and lists to the treasurer and selectmen for inspection and computation when requested so to do and if they discover any errors therein they shall immediately notify the town auditors thereof; and the auditors shall promptly examine the collector's records and make a written report to the selectmen and state tax commission of their findings, conclusions, and recommendations. The collector shall be at his usual place of business, or any other place, at least one day each month for at least two hours continuously for the transaction of tax business, which time and place shall be printed upon the tax bills sent out by the collector. He shall make a written report to the town at the end of each fiscal year which shall contain the amount of the taxes committed to him to collect; the amount of taxes collected, together with interest thereon; the amount of discounts allowed; the amount of taxes abated; the total amount of uncollected taxes; and an account of all sales of real estate by him to collect taxes. Upon written request therefor the collector shall provide the selectmen with an itemized list of the uncollected taxes at the end of the fiscal year.

138:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 13, 1969.]

[Effective date July 12, 1969.]

CHAPTER 139.

AN ACT TO PERMIT EXPERIMENTATION AND PILOT PROGRAMS IN BILINGUAL EDUCATION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

139:1 Bilingual Pilot Programs. Amend RSA 189:19 by inserting in line five after the word "administration" the following (provided, however, that experimental educational programs in the field of bilingual education shall be permitted under the provisions of this section with the approval of the state board of education) so that said section as amended shall read as follows: **189:19 English Required.** In the instruction of children in all schools, including private schools, in reading, writing, spelling, arithmetic, grammar, geography, physiology, history, civil government, music, and drawing, the English language shall be used exclusively, both for the purposes of instruction therein and for purposes of general administration; provided, however, that experimental educational programs in the field of bilingual education shall be permitted under the provisions of this section with the approval of the state board of education.

139:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 13, 1969.]

[Effective date July 12, 1969.]

CHAPTER 140.

AN ACT RELATIVE TO INCREASING THE PER DIEM ALLOWANCE FOR MEMBERS OF THE BOARD OF PAROLE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

140:1 Per Diem Increase. Amend RSA 607:31 by striking out in line seven the word "eight" and inserting in place thereof the words (twenty-five) so that the said section as amended shall read as follows: **607:31 State Board of Parole.** The board of trustees of the state prison shall constitute the state board of parole. Said board shall have the legal custody of all prisoners released upon parole until they receive their discharge or are remanded to prison, and shall make such rules and regulations relative to the performance of the duties of the parole officers as in its judgment are advisable. Each member of the board of parole, except the ex-officio mem-

bers, shall be paid the sum of twenty-five dollars a day for such time as he is engaged in his duties as a member of said board. Said board shall keep a record of all its doings, and shall report thereon to the governor and council quarterly and oftener when by them required.

140:2 Effective Date. This act shall take effect July 1, 1969.

[Approved May 13, 1969.]

[Effective date July 1, 1969.]

CHAPTER 141.

AN ACT ALLOWING ALL PRISONERS TO BE ELIGIBLE FOR A REDUCTION IN THEIR
MINIMUM SENTENCE FOR MERITORIOUS CONDUCT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

141:1 Repeal. RSA 607:42, relative to an earlier release time for meritorious conduct, is hereby repealed.

141:2 All Prisoners Eligible. Amend RSA 607:43 by striking out in lines two and three the words "and whose minimum sentence is two years or more" so that the said section as amended shall read as follows: **607:43 Release, Two Thirds of Minimum.** Any prisoner whose conduct while in prison has been meritorious may be paroled by the state board of parole when he has served two-thirds of his minimum sentence, provided it shall appear to said board to be a reasonable probability that he will remain at liberty without violating the law and will conduct himself as a good citizen.

141:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 13, 1969.]

[Effective date July 12, 1969.]

CHAPTER 142.

AN ACT ALLOWING THE REDUCTION OF A MAXIMUM SENTENCE WHILE ON PAROLE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

142:1 Recognition for Good Conduct. Amend RSA 607 by inserting after section 44 the following new section: **607:44-a Reduction of Maximum Sentence While on Parole.** Any person who is on parole from the state prison on a permit under the provisions of this chapter may be granted a reduction of maximum term of his sentence equal to one third of the period of time during which the parolee is at liberty on said permit, provided that said parolee is not recommitted to the state prison or has been cited as a parole violator, pursuant to the provisions of this chapter. The

parolee may be granted a discharge at the expiration of his maximum sentence less deductions provided for herein.

142:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 13, 1969.]

[Effective date July 12, 1969.]

CHAPTER 143.

AN ACT RELATIVE TO TIME SERVED BY A PRISONER UPON VIOLATION OF PAROLE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

143:1 Effect of Recommitment. Amend RSA 607:48 by striking out said section and inserting in place thereof the following: **607:48 Effect.** A prisoner so recommitted may, at any time before the expiration of the remainder of his maximum sentence be again paroled upon such conditions and terms as the parole board shall prescribe. If not so paroled a prisoner so recommitted shall serve the remainder of his maximum sentence. For purposes of this section, the maximum sentence may be reduced by subtracting therefrom a period of time equal to one third of the period of time prisoner was at liberty on permit, provided that the latter period equaled thirty days in duration. The time between the return of the parolee to prison after his arrest and revocation of the permit shall be considered as time served as a portion of the maximum sentence as computed hereunder.

143:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 13, 1969.]

[Effective date July 12, 1969.]

CHAPTER 144.

AN ACT ESTABLISHING THE STATE'S RIGHT TO THE AIR SPACE ABOVE AND BELOW CERTAIN HIGHWAYS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

144:1 Air Rights Established. Amend RSA 249 by inserting after section 21 the following new section: **249:21-a Right to Air Space Above and Below Certain Highways.** The state shall have exclusive rights, insofar as they do not conflict with any federal statute, to build into, lease or utilize for any public purpose the air space directly above or below the toll highways and the interstate system highways within this state. These rights to said air space shall extend upward or downward so far as is practical and reasonable for the purposes of the state and it shall be unlawful for any person or persons to violate said air space except as allowed by the state.

The department of public works and highways shall be responsible for the administration and enforcement of this section. Nothing in this section shall be construed as prohibiting aircraft from flying through the air space above the herein mentioned highways. Notwithstanding the foregoing, public utilities shall have the right to erect lines through said air space in accordance with RSA 254.

144:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 13, 1969.]

[Effective date July 12, 1969.]

CHAPTER 145.

AN ACT TO PERMIT FREE PARKING FOR JURORS IN ATTENDANCE AT THE
UNITED STATES DISTRICT COURT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

145:1 Free Parking. Amend RSA 500:26-a as inserted by 1967, 386:1 by striking out said section and inserting in place thereof the following:
500:26-a Parking for Jurors. Every juror, while in attendance at superior court and every juror who may be called to attend the United States District Court for the district of New Hampshire, while in attendance thereat, shall be allowed free parking in any city or town where such court is sitting. The clerks of the superior court shall, and the clerk of the United States District Court may, furnish to each juror an identification card for display through the windshield of the juror's car. At the cessation of court the juror shall return his identification card to the clerk of the court. The form, shape and color of said identification card and also the information to be contained thereon is to be approved by the director, division of motor vehicles. No juror shall use any area limited to twelve or fifteen minutes of parking.

145:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 13, 1969.]

[Effective date July 12, 1969.]

CHAPTER 146.

AN ACT RELATIVE TO RESTRICTIONS ON ACQUISITION OF LANDS BY THE STATE FOR
FISH AND GAME PROPAGATION AND OTHER FISH AND GAME PURPOSES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

146:1 Acquisition of Lands for Fish and Game Purposes. Amend RSA 212:8 by striking out said section and inserting in place thereof the follow-

ing: **212:8 Reasonable Price.** The director, with the approval of the governor and council, may pay a fair and reasonable price for waters, lands or rights therein with or without buildings, required for the establishment of fish hatcheries, game farms, game refuges, propagation of fish, game, and fur-bearing animals, for fishing or hunting. The director, subject to the approval of the governor and council, may expend for the purchase of land, waters or rights therein during any year only such total sum as may be appropriated therefor. The director shall make a report during the month of January in the years that the legislature is in session of all lands, waters or rights therein so acquired since the last report to the senate president and the speaker of the house.

146:2 Amend RSA 206:18 by inserting after said section the following new section: **206:18-a Exception.** The provisions of section 18 shall not apply to the stocking of any species of fish, for which species there is no open season authorized at the time of stocking, and which species shall remain continuously protected for at least one year thereafter.

146:3 Amend RSA by inserting after RSA 9:17-a (supp) the following new section: **9:17-b Fish and Game Limitation.** Notwithstanding the provisions of sections 16 and 17, no transfers shall be made into the appropriation for the fish and game department for land acquisition.

146:4 Effective Date. This act shall take effect July 1, 1969.

[Approved May 22, 1969.]

[Effective date July 1, 1969.]

CHAPTER 147.

AN ACT RELATIVE TO JUSTIFIABLE AND NON-COMMERCIAL PRIVATE DISSEMINATION OF OBSCENE MATTER.

Be it Enacted by the Senate and House of Representatives in General Court convened:

147:1 Justifiable and Non-commercial Dissemination. Amend RSA 571-A:3 (b) (supp) as inserted by 1965, 146:1 by striking out said subparagraph and inserting in place thereof the following: (b) non-commercial dissemination to personal associates of the accused who are not under eighteen years of age.

147:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 22, 1969.]

[Effective date July 21, 1969.]

CHAPTER 148.

AN ACT RELATIVE TO TAKING SAND AND GRAVEL FROM THE BED OF A
NAVIGABLE RIVER OR GREAT POND.

Be it Enacted by the Senate and House of Representatives in General Court convened:

148:1 Conveyance of Property Under Water. Amend RSA 4 by inserting after section 40-d (supp) the following new section: **4:40-e Penalty.** Any person, firm, or corporation who removes sand and gravel from the bed of any navigable water or great pond in violation of any provisions of section 40-a, 40-b, or 40-c of this chapter shall be subject to a fine not to exceed one thousand dollars.

148:2 State General Fund. Amend RSA 4:40-d (supp) as inserted by 1959, 113:2 by striking out said section and inserting in place thereof the following: **4:40-d Payments.** Any payment received by the state as determined by the governor and council under the provisions of section 40-a of this chapter for sand or gravel taken from the bed of a great pond or of any navigable river shall be paid over to the state treasurer and shall be available for general revenue of the state.

148:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 22, 1969.]

[Effective date July 21, 1969.]

CHAPTER 149.

AN ACT RELATIVE TO SALARIES OF HILLSBOROUGH COUNTY SHERIFF AND
DEPUTY SHERIFFS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

149:1 Hillsborough County Sheriff. Amend RSA 104:29, I (supp) as amended by 1967, 153:1, 201:3 and 312:1 by striking out said paragraph and inserting in place thereof the following:

I. The annual salaries of the sheriffs of the below named counties shall be as follows:

(a) In Merrimack, two thousand dollars.

(b) In Coos, two thousand dollars.

149:2 Sheriff's Salary. Amend RSA 104:29 (supp) by inserting after paragraph VIII the following new paragraph:

IX. In Hillsborough the annual salary of the sheriff shall be fifteen thousand dollars. Said salary shall be payment in full for all his services to the county. The county shall provide him with suitable transportation as authorized by the county commissioners. He shall be allowed reasonable expenses incurred during the performance of his duties and such expenses shall be subject to the approval of the county commissioners. For the ser-

vice of civil writs and other process which he may perform he shall collect the usual fees allowed for such services and mileage and shall pay over directly to the county treasurer all such fees and mileage charges at the end of each month. He shall in his annual report to the county commissioners report the number of civil writs and other process served and the total amounts collected in fees and mileage charges paid over to the treasurer during the calendar year.

149:3 Annual Salary of Chief Deputy Sheriff and Deputy Sheriffs; Appointment of Special Deputy Sheriffs. Amend RSA 104 by inserting after section 3-c (supp) the following new section: **104:3-d Hillsborough County; Appointment of Chief Deputy Sheriff and Deputy Sheriffs on Salary; Special Deputy Sheriffs.**

I. The sheriff of Hillsborough county may appoint, if funds are appropriated:

(a) a chief deputy sheriff, who shall be paid an annual salary of not less than nine thousand five hundred dollars and not more than eleven thousand dollars;

(b) five deputy sheriffs, each of whom shall be paid an annual salary of not less than eight thousand five hundred dollars and not more than ten thousand dollars.

II. For each year of service after January 1, 1969, the sheriff may, in his discretion, request from the county commissioners a salary increase for the chief deputy sheriff and the deputy sheriffs amounting to one fifth of the difference between the minimum and the maximum salaries as set forth in paragraph I, but in no case shall the total salary exceed the maximum as herein established.

III. In addition to the deputy sheriffs provided for in subparagraph I (b) the sheriff may appoint, in cases of necessity, special deputy sheriffs to exercise the same duties as deputy sheriffs. Said special deputy sheriffs shall be paid at a rate of twenty-five dollars per day. Said per diem salary shall be payment in full for their services to the county.

IV. The chief deputy, all deputy sheriffs, and all special deputy sheriffs:

(a) shall be provided by the county with suitable transportation as authorized by county commissioners;

(b) shall be allowed reasonable expenses incurred during the performance of their duties, and such expenses shall be subject to the approval of the county commissioners;

(c) shall collect the usual fees allowed for the service of civil writs and other processes, and mileage charges, and they shall pay over to the county treasurer all such fees and charges at the end of each month;

(d) shall report annually to the sheriff the number of civil writs and other processes served, and said report shall include the total amounts collected in fees and mileage charges which have been paid over to the treasurer during the calendar year.

V. The annual reports required by paragraph IV shall be incorporated into the sheriff's annual report to the county commissioners.

149:4 Present Incumbents. The deputy sheriffs now in office on the effective date of this act shall be placed in the corresponding steps in the salary ranges herein established as their length of service justifies.

149:5 Effective Date. This act shall take effect July 1, 1969.

[Approved May 22, 1969.]

[Effective date July 1, 1969.]

CHAPTER 150.

AN ACT RELATIVE TO COMPLIANCE WITH THE CLASSIFICATION REQUIREMENTS IN THE PEMIGEWASSET RIVER WATERSHED.

WHEREAS, certain surface waters of the Pemigewasset River watershed were classified as class D waters by the Laws of 1959, 243; and

WHEREAS, a period of ten years from the effective date of said act was granted in order to allow for full compliance with the requirements of said enactment; and

WHEREAS, the aforementioned classifications were modified to provide for class B waters in the 1967 session of the general court by the Laws of 1967, 311; now therefore

Be it Enacted by the Senate and House of Representatives in General Court convened:

150:1 Compliance. It is hereby declared that full compliance with the classifications as inserted by the Laws of 1967, 311 shall be attained by all persons responsible for the discharge of sewage and/or industrial wastes into the surface waters of the Pemigewasset River watershed not later than September 1, 1969.

150:2 Penalty. Any person who shall violate any of the provisions of this chapter or who shall fail, neglect or refuse to obey any order of the commission lawfully issued pursuant hereto, shall be fined not more than one thousand dollars for each day of such violation, failure, neglect, or refusal after the expiration of any time limit set by the commission.

150:3 Effective Date. This act shall take effect upon its passage.

[Approved May 22, 1969.]

[Effective date May 22, 1969.]

CHAPTER 151.

AN ACT INCREASING THE SALARIES OF THE HILLSBOROUGH COUNTY COMMISSIONERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

151:1 Salaries Increased. Amend RSA 28:28, VI (supp) as inserted by 1969, 30:3 by striking out said paragraph and inserting in place thereof the following: VI. In Hillsborough, six thousand dollars.

151:2 Effective Date. This act shall take effect July 1, 1969.

[Approved May 22, 1969.]

[Effective date July 1, 1969.]

CHAPTER 152.

AN ACT INCREASING THE SALARY OF THE BELKNAP COUNTY ATTORNEY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

152:1 Salary Increased. Amend RSA 7:35, I (supp) as inserted by 1969, 30:1 by striking out said paragraph and inserting in place thereof the following: 1. In Belknap, five thousand dollars.

152:2 Effective Date. This act shall take effect January 1, 1970.

[Approved May 22, 1969.]

[Effective date January 1, 1970.]

CHAPTER 153.

AN ACT INCREASING THE SALARY OF THE COOS COUNTY TREASURER.

Be it Enacted by the Senate and House of Representatives in General Court convened:

153:1 Salary Increased. Amend paragraph 29:14, IV (supp) as inserted by 1969, 30:2 by striking out said paragraph and inserting in place thereof the following: IV. In Coos, seven hundred and fifty dollars.

153:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 22, 1969.]

[Effective date July 21, 1969.]

CHAPTER 154.

AN ACT INCREASING THE SIZE OF CLAIMS SUBJECT TO THE JURISDICTION OF SMALL CLAIMS COURT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

154:1 Amount of Small Claims. Amend RSA 503:1 (supp) as amended by 1957, 35:1 by striking out in line three the word "one" and inserting in place thereof the word (two) so that the section as amended shall read as follows: **503:1 Small Claim Defined.** A small claim is any right of action not involving the title to real estate in which the debt or damages, exclusive of interest and costs, does not exceed two hundred dollars.

154:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 22, 1969.]

[Effective date July 21, 1969.]

CHAPTER 155.

AN ACT RELATIVE TO THE SUBMISSION OF PLATS TO PLANNING BOARDS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

155:1 Language Clarified; Time Extension; Abutters to Be Notified. Amend RSA 36:23 (supp) as amended by 1963, 163:2, by striking out in line one after the word "shall" the word "consider" and inserting in place thereof the following (place on its agenda for consideration) by inserting in line three after the word "days" the following (provided, that the planning board may apply to the selectmen or city council for an extension not to exceed an additional ninety days before acting to approve or disapprove) and by striking out in lines seventeen, eighteen and nineteen the words "person to whom notice of a hearing shall be sent; and no plat shall be acted on by the planning board without affording a hearing thereon. Notice shall be sent to the said address by" and inserting in place thereof the following (applicant and all abutters to the land described in the plat. No plat shall be approved or disapproved by the planning board without affording a hearing thereon. All abutters shall be notified of said hearing by certified or registered mail. The applicant shall be notified of said hearing by certified or) so that said section as amended shall read as follows:

36:23 Board's Procedure on Plats. The planning board shall place on its agenda for consideration any plat submitted to it within thirty days and shall act to approve or disapprove thereof within ninety days; provided, that the planning board may apply to the selectmen or city council for an extension not to exceed an additional ninety days before acting to approve or disapprove, otherwise such plat shall be deemed to have been approved, and the certificate of the municipality, as to the date of submission of the plat for approval and the failure to take action thereon within such time, shall be issued on demand and shall be sufficient in lieu of the written indorsement or other evidence of approval herein required; provided, however, that the applicant for the board's approval may waive this requirement and consent to an extension of such period. The ordinance establishing the planning board or an ordinance amending such establishing ordinance shall specify the officer or employee of the municipality who shall issue in its behalf the certificate of failure on the part of the planning board to take action as aforesaid in this section. In case of disapproval of any plat submitted, the ground for such disapproval shall be adequately stated upon the records of the planning board. Any plat submitted to the planning board shall bear the name and address of the applicant and all abutters to the land described in the plat. No plat shall be approved or disapproved by the planning board without affording a hearing thereon. All abutters

shall be notified of said hearing by certified or registered mail. The applicant shall be notified of said hearing by certified or registered mail, with return of receipt requested, stating the time and place of such hearing, not less than five days before the date fixed therefor.

155:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 22, 1969.]

[Effective date July 21, 1969.]

CHAPTER 156.

AN ACT TO REPEAL PROVISIONS REGARDING SALE OF PRESSED HAY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

156:1 Repeal. RSA 339:3 through 10, inclusive, relative to regulations for pressed hay offered for sale or shipped for exportation, are hereby repealed.

156:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 22, 1969.]

[Effective date July 21, 1969.]

CHAPTER 157.

AN ACT INCREASING THE SALARIES OF THE HILLSBOROUGH COUNTY ATTORNEY
AND ASSISTANT COUNTY ATTORNEY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

157:1 Salaries Increased. Amend RSA 7:35, VI (supp) as inserted by 1969, 30:1 by striking out said paragraph and inserting in place thereof the following: VI. In Hillsborough, county attorney, nine thousand dollars. Assistant county attorney, forty-five hundred dollars.

157:2 Effective Date. This act shall take effect July 1, 1969.

[Approved May 22, 1969.]

[Effective date July 1, 1969.]

CHAPTER 158.

AN ACT RELATIVE TO THE BUREAU OF FAMILY CARE IN THE OFFICE OF THE
DIRECTOR OF MENTAL HEALTH.

Be it Enacted by the Senate and House of Representatives in General Court convened:

158:1 Expenses Delineated. Amend RSA 126-A:41 (supp) as inserted by 1967, 430:1 by inserting in line two after the word "board" the word (and) and by striking out in line two the words "clothing and other related expenses" so that the said section as amended shall read as follows: **126-A:41 Payments to Family Care Homes.** Payments for room, board, and laundry shall be made at the rate of one hundred dollars per month directly to the family care "parents" for each patient in placement under this program. Payments hereunder are to be made monthly through the office of the director, division of mental health, from funds appropriated for this purpose.

158:2 Repeal. RSA 126-A:43 (supp) as inserted by 1967, 430:1 relative to the size of the staff of the bureau of family care is hereby repealed.

158:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 22, 1969.]

[Effective date July 21, 1969.]

CHAPTER 159.

AN ACT RELATIVE TO HOSPITAL DIRECTIONAL SIGNS ON CERTAIN HIGHWAYS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

159:1 Hospital Directional Signs. Amend RSA 229 by inserting after section 14 the following new section: **229:14-a Hospital Directional Signs.** The commissioner is authorized and directed to erect on any class I, class II or interstate highway under his jurisdiction, reflective directional signs designating the route or exit to the nearest general hospital. Such signs shall be erected in those locations as the commissioner, after consultation with the local authorities, may determine to be in the best public interest, provided, the local authority gives adequate assurance to the commissioner that suitable hospital signs will be erected within the local jurisdiction at local expense as a continuation of the hospital directional signs erected hereunder. The cost for the signs and erection of such signs shall be a charge upon the highway fund.

159:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 22, 1969.]

[Effective date July 21, 1969.]

CHAPTER 160.

AN ACT RELATIVE TO THOMPSON SCHOOL OF APPLIED SCIENCE AT THE UNIVERSITY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

160:1 Thompson School of Applied Science. Amend RSA 187:31 by striking out in lines three and four the words "Applied farming" and by inserting in place thereof the words (Thompson school of applied science) so that said section as amended shall read as follows: **187:31 Exceptions from Limitations.** The limitation on out-of-state enrollment at the university as established in sections 29 and 30 hereof shall not apply to the following divisions of the university: Thompson school of applied science, summer school and graduate school, and students attending the university pursuant to reciprocal agreements and contracts with other educational institutions.

160:2 Diplomas. Amend RSA 187:33 by striking out said section and inserting in place thereof the following new section: **187:33 Diplomas.** Those who successfully complete a two year program of instruction in the Thompson school of applied science shall receive an appropriate associate degree as authorized by the trustees.

160:3 Repeal. RSA 187:34 relating to practical instruction in agriculture is hereby repealed.

160:4 Repeal. RSA 187:35 establishing a department of horticulture is hereby repealed.

160:5 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 22, 1969.]

[Effective date July 21, 1969.]

CHAPTER 161.

AN ACT CLASSIFYING CERTAIN HIGHWAYS IN THE TOWNS OF ALBANY AND BARTLETT AS CLASS II HIGHWAYS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

161:1 Highways Classified. The Forest Development Road, known as the Bear Notch Road, in the towns of Albany and Bartlett, extending from the Kancamagus highway, so called, in the town of Albany to the White Mountain National Forest boundary in the town of Bartlett, and the 0.55 miles of class V highway in the town of Bartlett extending from the White Mountain National Forest boundary to Route U. S. 302, shall hereafter be classified as class II highways.

161:2 Maintenance; Completed Portions. Upon the completion and surfacing to the satisfaction of the commissioner of public works and high-

ways, the department of public works and highways shall assume the maintenance of the completed portions.

161:3 Maintenance; Uncompleted Portions. The department of public works and highways shall not maintain the uncompleted portions.

161:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 22, 1969.]

[Effective date July 21, 1969.]

CHAPTER 162.

AN ACT PROPOSING AND CLASSIFYING A CONNECTING ROAD FROM THE PELHAM ROAD INTERCHANGE ON INTERSTATE ROUTE 93 TO NEW HAMPSHIRE ROUTE 38.

Be it Enacted by the Senate and House of Representatives in General Court convened:

162:1 Proposed Class II Highway. A proposed Class II highway is hereby designated beginning at the end of the state section on Pelham road westerly of the interstate route 93 Pelham road interchange and running southwesterly, on new location, a distance of approximately one and two tenths miles to a junction with New Hampshire route 38 in the vicinity of Brady avenue.

162:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 22, 1969]

[Effective date July 21, 1969.]

CHAPTER 163.

A ACT RELATIVE TO ACCIDENT AND HEALTH INSURANCE OF PHYSICALLY AND MENTALLY HANDICAPPED DEPENDENTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

163:1 Group or Blanket Policy Provisions. Amend RSA 415:18 by inserting after paragraph IV the following new paragraph: V. The coverage of any dependent of any employee or member of the group insured by such policy, pursuant to paragraph IV, who is mentally or physically incapable of earning his own living on the date as of which such dependent's status as a covered family member would otherwise expire because of age, shall continue under such policy while such policy remains in force or is replaced by another group or blanket policy as long as such incapacity continues and as long as said dependent remains chiefly financially dependent on the employee or member of the group or the employee or his estate is chargeable for the care of said dependent, provided that due proof of such incapacity is received by the insurer within thirty-one days of such

expiration date. If such coverage is continued in accordance with this paragraph, such dependent shall be entitled upon the termination of such incapacity to a converted policy in accordance with and subject to the terms and conditions of the conversion privilege clause if such privilege is afforded by the policy, provided that such dependent has not attained the limiting age, if any, for coverage of adults specified in the policy.

163:2 Individual Policy Provisions. Amend RSA 415:5 (A) by inserting after subparagraph (3) the following new subparagraph: (3-a) the coverage of any family member insured by such policy, pursuant to subparagraph 3, who is mentally or physically incapable of earning his own living on the date as of which such dependent's status as a covered family member would otherwise expire because of age, shall continue under such policy while such policy remains in force or is replaced by another policy as long as such incapacity continues and as long as said dependent remains chiefly financially dependent on the policyholder or the employee or his estate is chargeable for the care of said dependent, provided that due proof of such incapacity is received by the insurer within thirty-one days of such expiration date. If such coverage is continued in accordance with this subparagraph, such dependent shall be entitled upon the termination of such incapacity to a converted policy in accordance with and subject to the terms and conditions of the conversion privilege clause if such privilege is afforded by the policy, provided that such dependent has not attained the limiting age, if any, for coverage of adults specified in the policy.

163:3 Hospital Service Corporations. Amend RSA 419:5 by inserting after paragraph (8) the following new paragraph: (9) A provision that the coverage of any dependent of a subscriber covered by the contract, who is mentally or physically incapable of earning his own living on the date as of which such dependent's status as a covered family member would otherwise expire because of age, shall continue under such contract while such contract remains in force or is replaced by another contract as long as such incapacity continues and as long as said dependent remains chiefly financially dependent on the subscriber or the employee or his estate is chargeable for the care of said dependent, provided that due proof of such incapacity is received by the corporation within thirty-one days of such expiration date. If such coverage is continued in accordance with this paragraph, such dependent shall be entitled upon the termination of such incapacity to a converted contract in accordance with and subject to the terms and conditions of the conversion privilege clause, if such privilege is afforded by the contract provided that such dependent has not attained the limiting age, if any, for coverage of adults specified in the contract.

163:4 Medical Service Corporation. Amend RSA 420:5 by inserting after paragraph (8) the following new paragraph: (9) A provision that the coverage of any dependent of a subscriber covered by the contract who is mentally or physically incapable of earning his own living on the date as of which such dependent's status as a covered family member would otherwise expire because of age, shall continue under such contract while such contract remains in force or is replaced by another contract as long as such incapacity continues and as long as said dependent remains chiefly financially dependent on the subscriber or the employee or his estate is charge-

able for the care of said dependent, provided that due proof of such incapacity is received by the corporation within thirty-one days of such expiration date. If such coverage is continued in accordance with this paragraph, such dependent shall be entitled upon the termination of such incapacity to a converted contract in accordance with and subject to the terms and conditions of the conversion privilege clause, if such privilege is afforded by the contract, provided that such dependent has not attained the limiting age, if any, for coverage of adults specified in the contract.

163:5 Effective Date. This act shall take effect one hundred twenty days after its passage and shall apply only to all new contracts delivered or issued for delivery within this state thereafter.

[Approved May 22, 1969.]

[Effective date September 19, 1969 and shall apply only to all new contracts delivered or issued for delivery within this state thereafter.]

CHAPTER 164.

AN ACT RELATIVE TO ADULTERATED AND MISBRANDED FOODS, DRUGS,
DEVICES AND COSMETICS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

164:1 Drugs, Certain Acts Prohibited. Amend RSA 146:1 by inserting after paragraph IX the following new paragraphs:

X. The failure of the manufacturer, packer, or distributor of a prescription drug distributed or offered for sale to maintain for transmittal, or to transmit, to any practitioner licensed by applicable law to administer such drug who makes written request for information as to such drug, true and correct copies of all printed matter which is required to be included in any package in which that drug is distributed or sold, or such other printed matter as is approved under the federal act. Nothing in this paragraph shall be construed to exempt any person from any labeling requirement imposed by or under other provisions of this chapter.

XI. (1) Placing or causing to be placed upon any drug or device or container thereof, with intent to defraud, the trade name or other identifying mark, or imprint of another or any likeness of any of the foregoing; or (2) Selling, dispensing, disposing of or causing to be sold, dispensed or disposed of or concealing or keeping in possession, control, or custody with intent to sell, dispense or dispose of, any drug, device or any container thereof, with knowledge that the trade name or other identifying mark or imprint of another or any likeness of any of the foregoing has been placed thereon in a manner prohibited by subparagraph (1) hereof; or (3) Making, selling, disposing of or causing to be made, sold or disposed of or keeping in possession, control or custody, or concealing, with intent to defraud, any punch, die, plate, or other thing designed to print, imprint, or reproduce that trade name or other identifying mark or imprint of another of any likeness of any of the foregoing upon any drug, device or container thereof.

XII. Dispensing or causing to be dispensed a different drug or brand of drug in place of the drug or brand of drug ordered or prescribed without the express permission in each case of the person ordering or prescribing.

164:2 Definitions. Amend RSA 146:2 VI, VII and VIII as amended by 1961, 222:1 by striking out said paragraphs and inserting in place thereof the following:

VI. If an article is alleged to be misbranded because the labeling is misleading, or if an advertisement is alleged to be false because it is misleading, when in determining whether the labeling or advertisement is misleading, there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, device, sound, or in any combination thereof, but also the extent to which the labeling or advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which the labeling or advertisement relates under the conditions of use prescribed in the labeling or advertisement thereof or under such conditions of use as are customary or usual.

VII. The representation of a drug, in its labeling or advertisement, as an antiseptic shall be considered to be a representation that it is a germicide, except in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body.

VIII. The term "contaminated with filth" applies to any food, drug, device, or cosmetic not securely protected from dust, dirt, and as far as may be necessary by all reasonable means, from all foreign or injurious contaminations.

164:3 Confectionery Adulterated. Amend RSA 146:3, IV as amended by 1961, 222:1 by inserting after the comma at the end of the third line the words ((harmless natural wax not in excess of four-tenths of 1 per cent) so that the said paragraph as amended shall read as follows: IV. If it is confectionery and it bears or contains any alcohol or non-nutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of four-tenths of 1 per cent, harmless natural wax not in excess of four-tenths of 1 per cent, harmless natural gum, and pectin; provided that this paragraph shall not apply to any confectionery by reason of its containing less than one-half of 1 per cent by volume of alcohol derived solely from the use of flavoring extracts, or to any chewing gum by reason of its containing harmless non-nutritive masticatory substances.

164:4 Drugs, Manufacture and Packaging. Amend RSA 146:4 by adding after paragraph IV the following new paragraph: V. If it is a drug and the methods used in, or the facilities or controls used for, its manufacture, processing, packing, or holding do not conform to or are not operated or administered in conformity with good manufacturing practice to assure that such drug meets the requirements of this chapter as to safety and has the identity and strength, and meets the quality and purity characteristics, which it purports or is represented to possess.

164:5 Labeling of Foods, Imitations. Amend RSA 146:5, III by striking out the same and inserting in place thereof the following: III. If it is an imitation of another food for which a definition and standard of identity has been prescribed by regulations as provided by section II, or if it is an imitation of another food that is not subject to paragraph VII of this section, unless its label bears in type of uniform size and prominence, the word, imitation, and, immediately thereafter, the name of the food imitated.

164:6 Labeling of Foods, Common Name. Amend RSA 146:5, IX as amended by 1961, 222:1 by striking out the same and inserting in place thereof the following: IX. If it is not subject to the provisions of paragraph VII of this section, unless it bears labeling clearly giving (1) the common or usual name of the food, if any there be, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings, other than those sold as such may be designated as spices, flavorings, and colorings, without naming each; provided that, to the extent that compliance with the requirements of clause (2) of this paragraph is impractical or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the director.

164:7 Labeling of Drugs, Established Name. Amend RSA 146:6, V as amended by 1961, 222:1 by striking out the same and inserting in place thereof the following: V. (1) If it is a drug, unless its label bears, to the exclusion of any other non-proprietary name, except the applicable systematic chemical name or the chemical formula, the established name (as defined in subparagraph (2)) of the drug, if such there be; and in case it is fabricated from two or more ingredients, the established name and quantity of each active ingredient, including the kind and quantity or proportion of any alcohol, and also including, whether active or not, the established name and quantity or proportions of any bromide, ether, chloroform, acetanilid, acetphenetidin, amidopyrine, antipyrine, hyoscyamine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, thyroid, or any derivative or preparation of any such substances, contained therein; provided that, the requirements for stating the quantity of the active ingredients, other than those specifically named in this paragraph, shall apply only to prescription drugs; provided further, that to the extent that compliance of this subparagraph is impracticable, exemption shall be allowed under regulations promulgated by the director, or under the federal act. (2) As used in this paragraph the term 'established name,' with respect to a drug or ingredient thereof, means the applicable official name designated pursuant to section 508 of the federal act, or if there is no such name and such drug, or such ingredient, is an article recognized in an official compendium, then the official title thereof in such compendium or then the common or usual name, if any, of such drug or of such ingredient.

164:8 Labeling of Drugs, Habit Forming. Amend RSA 146:6, XI and XII by striking out said paragraphs and inserting in place thereof the following:

XI. (1) A drug intended for use by man which is a habit-forming drug

to which paragraph IV applies; or because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, is not safe for use except under the supervision of a practitioner licensed by law to administer such drug; or is limited by an approved application under section 505 of the federal act to use under the professional supervision of a practitioner licensed by law to administer such drug, shall be dispensed only upon a written prescription of a practitioner licensed by law to administer such drug, or upon an oral prescription of such practitioner which is reduced promptly to writing and filed by the pharmacist. The act of dispensing a drug contrary to the provisions of this paragraph shall be deemed to be an act which results in a drug being misbranded while held for sale. (2) Any drug dispensed by filling or refilling a written or oral prescription of a practitioner licensed by law to administer such drug shall be exempt from the requirements of RSA 146:6 paragraphs I, IX, XIII, and XIV, and the packaging requirements of paragraphs VII and VIII, if the drug bears a label containing the name and address of the dispenser, the serial number and date of the prescription or of its filling, the name of the prescriber and, if stated in the prescription, the name of the patient, and the directions for use and the cautionary statements, if any, contained in such prescription. This exemption shall not apply to any drug dispensed in the course of the conduct of business of dispensing of drugs pursuant to diagnosis by mail, or to a drug dispensed in violation of subparagraph (1) of this paragraph.

XII. (1) A drug which is subject to paragraph XI (1) of this section shall be deemed to be misbranded if at any time prior to dispensing, its label fails to bear the statement "Caution: Federal Law Prohibits Dispensing Without Prescription", or "Caution: State Law Prohibits Dispensing Without Prescription." A drug to which paragraph XI (1) of this section does not apply shall be deemed to be misbranded if at any time prior to dispensing its label bears the caution statement quoted in the preceding sentence. (2) The director may, by regulation, remove drugs subject to section IV from the requirements of paragraph XI (1) of this section when such requirements are not necessary for the protection of the public health. Drugs removed from the prescription requirements of the federal act by regulations issued thereunder may also, by regulations issued by the director, be removed from the requirements of paragraph XI (1). (3) Nothing in this section shall be construed to relieve any person from any requirements prescribed by or under authority of RSA 318-A.

164:9 Certified Drugs. Amend RSA 146:6 as amended by 1961, 222:1; 1963, 193:6; and 1965, 78:1 by adding after paragraph XIII the following new paragraphs:

XIV. If it is, or purports to be, or is represented as a drug composed wholly or partly of insulin, unless it is a batch with respect to which a certificate or release has been issued pursuant to section 506 of the federal act, and such certificate or release is in effect with respect to such drug.

XV. If it is, or purports to be, or is represented as a drug composed wholly or partly of any kind of penicillin, streptomycin, chlortetracycline, chloramphenicol, or bacitracin, or any other antibiotic drug, or any derivative thereof, unless it is from a batch with respect to which a certificate or

release has been issued pursuant to section 507 of the federal act, and such certificate or release is in effect with respect to such drug: Provided, that this paragraph shall not apply to any drug or class of drugs exempted by regulations promulgated under section 507 (c) or (d) of the federal act. For the purpose of this subsection the term "antibiotic drug" means any drug intended for use by man containing any quantity of any chemical substance which is produced by a microorganism and which has the capacity to inhibit or destroy microorganisms in dilute solution (including the chemically synthesized equivalent of any such substance).

164:10 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 22, 1969.]

[Effective date July 21, 1969.]

CHAPTER 165.

AN ACT RELATIVE TO ESTABLISHMENT AND VALIDATION OF ADULT EDUCATION AND RELATED COURSE INSTRUCTION PROGRAMS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

165:1 Adult Education and Related Course Instruction Program. Amend RSA 188-A as inserted by 1961, 267:1 by inserting after section 13 (supp) the following new section: **188-A:13-a Adult Education and Work Related Course Programs.** The state board of education is hereby authorized and directed where funds are available or may be acquired, to plan, establish and implement adult education and work or apprentice related programs in order to make available throughout the entire state courses of instruction designed to prepare appropriate individuals without regard to race, color, creed or national origin for service to business, trade or industry or to supplement on-the-job training made available to said individuals under apprenticeship training or development programs.

165:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 22, 1969.]

[Effective date July 21, 1969.]

CHAPTER 166.

AN ACT RELATIVE TO SCHOOL DRIVER TRAINING PROGRAMS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

166:1 Driver Training Programs. Amend RSA 239-B (supp) by inserting after section 6 the following new section: **239-B:6-a School Districts. A**

school district providing comprehensive driver training programs in accordance with the federal statutory provisions assented to in and under section 2 of this chapter shall be eligible for reimbursement of federal funds apportioned to this state for such programs. A school district shall mean a town school district, a special school district, an incorporated school district operating within a city, a city operating a dependent school department, a cooperative school district, and an authorized regional enrollment (AREA) school.

166:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 22, 1969.]

[Effective date July 21, 1969.]

CHAPTER 167.

AN ACT CONSTITUTING THE LINCOLN DISTRICT COURT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

167:1 Plymouth District. Amend RSA 502-A:1, XXXIII as inserted by 1963, 331:1 and amended by 1965, 327:8 by striking out in line three the word "Lincoln", by striking out in line four the words "Alexandria and Woodstock" and inserting in place thereof the following (and Alexandria) and by striking out in lines four and five the words "and the unincorporated place of Livermore." so that said section as amended shall read as follows:

XXXIII. Plymouth District. The Plymouth district shall consist of the towns of Plymouth, Bristol, Dorchester, Groton, Wentworth, Rumney, Ellsworth, Thornton, Campton, Waterville, Ashland, Hebron, Holderness, Bridgewater and Alexandria. The municipal court for the town of Plymouth is hereby constituted the district court in and for said district and shall be located in said Plymouth, holding sessions regularly therein and elsewhere in said district as justice may require. The name of said court shall be Plymouth District Court.

167:2 Court Constituted. Amend RSA 502-A:1 by inserting after paragraph XXXIII the following new paragraph: **XXXIIIa. Lincoln District.** The Lincoln district shall consist of the towns of Lincoln and Woodstock, and the unincorporated place of Livermore. The municipal court for the town of Lincoln is hereby constituted the district court in and for said district and shall be located in said Lincoln, holding sessions therein and elsewhere in said district as justice may require. The name of said court shall be Lincoln District Court.

167:3 Applicability. The term of office of the persons serving as justices and special justices and clerks of Woodstock municipal court shall continue, but upon the occurrence of any vacancy in the office of the justice of said court such office shall not be filled and the municipal court in said town shall thereafter be abolished and exclusive jurisdiction shall thereafter vest in the Lincoln District Court, and the term of office of the

present justices and special justices of the Lincoln municipal court hereby constituted and established as the Lincoln District Court shall not be affected hereby and they shall continue in office as justices or special justices of the Lincoln District Court.

167:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 24, 1969.]

[Effective date July 23, 1969.]

CHAPTER 168.

AN ACT RELATIVE TO COORDINATING APPRENTICESHIP PROGRAMS AND AGREEMENTS
WITH RELATED COURSES OF INSTRUCTION ESTABLISHED BY THE
STATE BOARD OF EDUCATION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

168:1 Coordination of Apprenticeship Programs and Agreements. Amend RSA 278:3 as amended by 1965, 66:1 by striking out in lines two and three of the introductory paragraph the words "may establish additional standards for apprenticeship agreements;" and inserting in place thereof the following (shall, in cooperation with the state departments of education and labor, establish, maintain, and approve consistent standards for on-the-job training programs to be coordinated with related course instruction and included in apprenticeship programs and agreements established in trade or industry by employee organizations, joint employee-employer committees, employers or employer groups) so that said introductory paragraph as amended shall read as follows: The council shall meet quarterly and as often as may be necessary; may adopt rules and regulations; shall, in cooperation with the state departments of education and labor, establish, maintain, and approve consistent standards for on-the-job training programs to be coordinated with related course instruction and included in apprenticeship programs and agreements established in trade or industry by employee organizations, joint employee-employer committees, employers or employer groups; and may request the services of any state or federal agency or department which may be of assistance in carrying out the purposes of this chapter. In addition to the foregoing, the council shall:

168:2 Registration of Apprenticeship Programs and Agreements. Amend RSA 278:3 (d) by striking out said subparagraph and inserting in place thereof the following: (d) register apprenticeship programs and agreements which provide equal opportunity for training and employment without regard to race, color, creed or national origin and which incorporate standards consistent with those already established and approved by the council, or terminate or cancel the registration of apprenticeship programs and agreements when said programs or agreements fail to meet or maintain said registration qualifications.

168:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 24, 1969.]

[Effective date July 23, 1969.]

CHAPTER 169.

AN ACT TO PROVIDE FOR ENFORCEMENT OF THE HISTORIC DISTRICT ACT IN MUNICIPALITIES WHERE THERE ARE NO ZONING ORDINANCES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

169:1 Historic Districts. Amend RSA 31 by inserting after section 89-j (supp) the following new sections:

31:89-k Enforcement by Historic District Commission. In municipalities which have established one or more historic districts pursuant to this subdivision, but which have no local zoning ordinances, the historic district commission shall have within the bounds of the historic district all the authority, powers and duties prescribed in this chapter for planning boards and zoning commissions insofar as such authority, powers and duties are within the intent of this subdivision.

31:89-l Remedies for Violations. In case of violation of any ordinance or regulation made under the authority conferred by this subdivision, the historic district commission, in addition to other remedies, may institute any appropriate action or proceedings to prevent, restrain, correct or abate such violation.

169:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 24, 1969.]

[Effective date July 23, 1969.]

CHAPTER 170.

AN ACT INCREASING THE SALARY OF THE CHESHIRE COUNTY ATTORNEY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

170:1 Salary Increased. Amend RSA 7:35, III (supp) as inserted by 1969, 30:1 by striking out said paragraph and inserting in place thereof the following: III. In Cheshire, seventy-five hundred dollars.

170:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 24, 1969.]

[Effective date July 23, 1969.]

CHAPTER 171.

AN ACT RELATIVE TO TAX ANTICIPATION NOTES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

171:1 Cities and Towns. Amend RSA 33:7, I (supp) as amended by 1957, 95:1 by striking out in line twelve the words "fifteen per cent" and inserting in place thereof the following (thirty per cent) so that said paragraph as amended shall read as follows: **I. Cities and Towns.** Cities and towns may incur debt in anticipation of the taxes of the financial year in which the debt is incurred, in order to pay current maintenance and operation expenses, and may issue notes therefor to an aggregate principal amount not exceeding the total tax levy during the preceding financial year, provided that after the tax levy of the current year has been determined any city or town may borrow an amount not exceeding in the aggregate the total tax levy of the city or town for the current financial year. In order to meet necessary expenses which may arise during the period from the beginning of the financial year to the date of the annual town meeting, the treasurer of any town, with the approval of the selectmen, may issue notes, without a vote of the town therefor, to an aggregate principal amount not exceeding thirty per cent of the total receipts from taxes during the preceding financial year.

171:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 24, 1969.]

[Effective date July 23, 1969.]

CHAPTER 172.AN ACT RELATING TO ISSUANCE OF TEMPORARY NOTES IN ANTICIPATION
OF MUNICIPAL BOND ISSUES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

172:1 Temporary Notes. Amend RSA 33:7-a (supp) as inserted by 1957, 89:1 and amended by 1963, 151:2 and 1965, 322:1 by striking out said section and inserting in place thereof the following: **33:7-a Temporary Loans.** If a municipality votes to issue bonds or serial notes in accordance with this chapter, or when bonds have been authorized by a county convention, and in the opinion of the tax commission, evidenced by a certificate signed by a member thereof, such action was in accordance with the provisions of law in all respects, the officers authorized to issue the same may, in the name of the municipality, or county, make a temporary loan or loans in anticipation of the money to be derived from the sale of such bonds or notes and may issue temporary notes therefor from time to time which are payable not later than one year from their respective dates of issue. Temporary notes issued for a period of less than one year may be renewed or paid from time to time by the issue of other notes, provided

that the period from the date of an original note to the maturity of any note issued to renew or pay the same debt shall not exceed one year. When a temporary loan is made in anticipation of an issue of bonds or serial notes, the times within which payments of an equivalent amount of the principal of such bonds or serial notes must commence and end pursuant to this chapter shall be measured from the date of the original note or notes representing such temporary loan.

172:2 Effective Date. This act shall take effect upon its passage.

[Approved May 24, 1969.]

[Effective date May 24, 1969.]

CHAPTER 173.

AN ACT RELATIVE TO RECOUNTS OF REFERENDUM VOTES ON AMENDING THE CONSTITUTION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

173:1 Recount Upon Request. Amend RSA 59:101 by striking out said section and inserting in place thereof the following: **59:101 Referendum Elections; Constitutional Amendments.** The governor and council shall, upon petition of not less than one hundred voters which is presented to them within twenty-five days of the date of election, order the secretary of state to recount the ballots cast on any question amending the constitution if the proposal was adopted or failed adoption by no more than one per cent of the total vote cast. The recount shall take place at the state house at such time as the secretary of state may appoint and under such rules of procedure as he shall determine. The secretary of state shall publish a notice of the time and place of the recount twice in a newspaper of general circulation throughout the state. If a petition requesting a recount is presented to the governor and council as provided herein, all ballots shall remain in the custody of the respective town and city clerks, under seal, until called for by the secretary of state for the purpose of recounting the ballots.

173:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 24, 1969.]

[Effective date July 23, 1969.]

CHAPTER 174.

AN ACT RELATIVE TO TERMS OF SUPERIOR COURT FOR HILLSBOROUGH COUNTY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

174:1 Terms of Hillsborough Superior Court. Amend RSA 496:1 as amended by 1965, 41:1; 1967, 59:1; and 1969, 100:1 by striking out the same and inserting in place thereof the following: **496:1 Time; Place.**

I. Terms of the superior court shall be holden annually, at the following places in the following counties:

- (a) For the county of Belknap: At Laconia.
- (b) For the county of Carroll: At Ossipee.
- (c) For the county of Cheshire: At Keene.
- (d) For the county of Coos: At Lancaster and Berlin.
- (e) For the county of Grafton: At Woodsville in the Town of Haverhill and at Lebanon until such time as a new court house is constructed in Haverhill.
- (f) For the county of Hillsborough: At Manchester. Court facilities shall be maintained at Nashua. During each term, sessions shall be held at Nashua for the hearing of nonjury cases and motions.
- (g) For the county of Merrimack: At Concord.
- (h) For the county of Rockingham: At Exeter.
- (i) For the county of Strafford: At Dover.
- (j) For the county of Sullivan: At Newport.

II. The times for holding the terms of court at the places designated in each county shall be established by rule of the superior court, which shall provide for the holding of not less than two terms annually in each county.

174:2 Service of Writs. Amend RSA 510:1 as amended by 1955, 63:1 by striking out in line six the words "at Nashua" and inserting in place thereof the words (at Manchester) so that said section as amended shall read as follows: **510:1 Time, Where Returnable.** All original writs and writs of mesne process shall be served fourteen days before the return day to which they are returnable, and shall be returnable to the superior court for Rockingham County at Exeter; Strafford County at Dover; Belknap County at Laconia; Carroll County at Ossipee; Merrimack County at Concord; Hillsborough County at Manchester; Cheshire County at Keene, Sullivan County at Newport; Grafton County at Woodsville in the town of Haverhill; and Coos County at Lancaster.

174:3 Effective Date. This act shall take effect September 2, 1969.

[Approved May 24, 1969.]

[Effective date September 2, 1969.]

CHAPTER 175.

AN ACT CORRECTING CERTAIN ERRORS IN THE HOUSING STANDARDS LAW AND
ELIMINATING A DEADLINE FOR THE HOLDING OF A HEARING.

Be it Enacted by the Senate and House of Representatives in General Court convened:

175:1 Housing Standards. Amend RSA 48-A:3 (supp) as inserted by 1959, 293:1 and amended by 1965, 341:2 by inserting after paragraph I the following new paragraphs:

II. That whenever a petition is filed with the public agency by at least ten residents of the municipality charging that any dwelling is unfit for human habitation or whenever it appears to the public agency by inspection that any dwelling is unfit for human habitation, it shall, if preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner, every mortgagee of record and all parties in interest in such dwelling (including persons in possession) a complaint stating the charges in that respect. If the person to be served resides outside the state, service may be made upon him by registered mail; and if there are any unascertained persons having an interest in said dwelling, notice may be given them by publication in a newspaper having general circulation in the municipality, such publication to be at least ten days before the date set for the hearing. Such complaint shall contain a notice that a hearing will be held before the public agency at a place therein fixed not less than ten days nor more than thirty days after the serving of said complaint; that the owner, mortgagee and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before such public agency.

III. That if, after such notice and hearing, the public agency determines according to the standards of the ordinance, code or by-law that the dwelling under consideration is unfit for human habitation it shall state in writing its findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order which, if the repair, alteration or improvement of the said dwelling can be made at a reasonable cost in relation to the value of the dwelling and the ability of the owner to assume such cost, requires the owner, within the time specified in the order, to repair, alter, or improve such dwelling to render it fit for human habitation or to vacate and close the dwelling as a human habitation; or if the repair, alteration or improvement of the said dwelling cannot be made at a reasonable cost in relation to the value of the dwelling and the ability of the owner to assume such cost, requires the owner, within the time specified in the order, to remove or demolish such dwelling.

IV. If an owner is aggrieved by an order of the public agency made pursuant to paragraph III hereof, he may appeal to the city council or mayor and board of aldermen in the case of cities, or to the board of selectmen in the case of towns. Said city council or mayor and board of aldermen or board of selectmen shall hold a public hearing upon said appeal, due notice of said hearing having first been given to the public agency

and to the owner. The city council or mayor and board of aldermen or board of selectmen may affirm or revoke the order of the public agency, or they may modify the same in accordance with their findings. If they shall affirm or modify such order, the public agency shall proceed to enforce said order as affirmed or so modified, in the manner prescribed in section 4. If the city council or mayor and board of aldermen or board of selectmen shall revoke said order, the proceedings shall be terminated.

175:2 Saving Clause. Notwithstanding the provisions of 1965, 341:2 any proper proceedings taken in accordance with paragraphs II, III and IV of RSA 48-A:3 during the period from August 7, 1965 to the effective date of this act shall be deemed to be lawful and such proceedings are hereby legalized, ratified and approved.

175:3 Deadline Eliminated. Amend RSA 48-A:4 (supp) as inserted by 1959, 293:1 by striking out in lines sixteen and seventeen the words "such date to be not later than fifteen days after the filing of said petition" so that said section as amended shall read as follows: **48-A:4 Procedure for Enforcement.** If the owner fails to comply with an order, made pursuant to the provisions of section 3 hereof, to repair, alter, improve or to vacate and close the dwelling, or to remove or demolish the dwelling, the public agency may file a petition in the superior court in which it shall set forth the charges issued pursuant to paragraph II of said section 3, as well as any other allegations bearing upon the unfitness of the dwelling for human habitation. The court shall thereupon direct notice to be given all parties having an interest in said dwelling, including mortgagees and persons in possession thereof. Such notice shall be given, where practicable, by personal service, except that if the person to be served resides outside the state, service may be made upon him by registered mail; and if there are any unascertained persons having an interest in said dwelling, notice may be given them by publication of the petition in a newspaper having general circulation in the municipality, such publication to be at least ten days before the date set for the hearing. The court shall set a date for hearing such charges and additional allegations. Upon hearing, the matter shall be treated as de novo, and the court shall hear such pertinent evidence concerning the fitness of the dwelling for human habitation as may be relevant.

175:4 Effective Date. This act shall take effect upon its passage.

[Approved May 28, 1969.]

[Effective date May 28, 1969.]

CHAPTER 176.

AN ACT RELATIVE TO MOTOR VEHICLE LIABILITY INSURANCE POLICIES HELD BY
ELDERLY PERSONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

176:1 Liability Insurance. Amend RSA 412 by inserting after section 18 the following new sections:

412:18-a Cancellation Because of Age; Prohibited. No insurance com-

pany authorized to transact business in this state, which insures against loss by reason of the liability to pay damages to others for damage to property or bodily injury including death, arising from the operation, maintenance, or use of motor vehicles within this state, shall cancel, reduce liability limits, refuse to renew or increase the premium of any such motor vehicle policy for the sole reason that the person to whom such policy has been issued has reached a certain age.

412:18-b Exception. The provisions of section 18-a shall not apply to:

I. Youthful classified drivers.

II. An increase or decrease of the premiums for such policies for any particular age group if a statewide classification system approved by the insurance commissioner is adopted for such drivers.

176:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 28, 1969.]

[Effective date July 27, 1969.]

CHAPTER 177.

AN ACT TO PROHIBIT THE CONSTRUCTION OR CONVERSION OF STRUCTURES BUILT OVER THE WATERS OF THE STATE FOR THE PURPOSE OF DWELLING THEREIN.

Be it Enacted by the Senate and House of Representatives in General Court convened:

177:1 Construction or Conversion Prohibited. Amend RSA by inserting after chapter 488-A the following new chapter:

Chapter 488-B

Restrictions on Use of Structures Built Over the Waters of the State

488-B:1 Residential Use Prohibited.

I. No person shall construct or reconstruct any structure intended for use as a dwelling if said structure or any part thereof extends beyond the shoreline of any public water or public owned water body. For the purposes of this paragraph, "the shoreline" shall be that shoreline which exists when the surface of the water is at the mean high water level.

II. No person shall convert or modify any existing structure in order to make said structure suitable as a dwelling if said structure or any part thereof extends beyond the shoreline of any public water or public owned water body. For the purposes of this paragraph, "the shoreline" shall be that shoreline which exists when the surface of the water is at the mean high water level.

488-B:2 Penalty. Any person who violates any provision of section 1 shall be required to remove the structure or portion thereof constructed, reconstructed, converted or modified in violation of said section, and shall be punished by a fine of not more than one thousand dollars. Said fine shall accrue to the use of the town or city in which the structure is located.

177:2 Effective Date. This act shall take effect upon its passage.
[Approved May 28, 1969.]
[Effective date May 28, 1969.]

CHAPTER 178.

AN ACT PROVIDING FOR THE CLASSIFICATION OF LAKE SUNAPEE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

178:1 Classification. On and after the effective date of this act the surface waters of Lake Sunapee shall be classified in accordance with the provisions of RSA 149, as amended, as Class A. waters.

178:2 Effective Date. This act shall take effect January 1, 1972.
[Approved May 28, 1969.]
[Effective date January 1, 1972.]

CHAPTER 179.

AN ACT DEFINING THE METHOD OF APPORTIONING COSTS FOR THE RELOCATION OF HIGHWAYS CAUSED BY SMALL-WATERSHED PROJECTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

179:1 Approval by the General Court. Amend RSA 481:28 as inserted by 1967, 439:1 by adding in line ten at the end of the section the following (Provided however, that all expenditures from the highway fund required as hereinbefore provided shall be approved by the general court as a special appropriation in the budget of the department of public works and highways) so that the said section as amended shall read as follows: **481:28 Replacement of Highways.** If it becomes necessary to change the elevation of or to relocate a highway in the primary or secondary state highway system because of the construction of a dam or the impounding of water by a dam under a small-watershed project the cost of the change of elevation or the relocation of the highway to be paid by the sponsoring agency is the cost that would be in excess of the estimated normal replacement of that highway, as estimated by the commissioner of public works and highways. The department of public works and highways shall pay the costs of the change in an amount equal to the estimated cost of the normal replacement of the highway. Provided however, that all expenditures from the highway fund required as hereinbefore provided shall be approved by the general court as a special appropriation in the budget of the department of public works and highways.

179:2 Effective Date. This act shall take effect sixty days after its passage.
[Approved May 28, 1969.]
[Effective date July 27, 1969.]

CHAPTER 180.

AN ACT RELATIVE TO THE KANCAMAGUS HIGHWAY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

180:1 Kancamagus Highway. The commissioner of the department of public works and highways is authorized to provide winter maintenance on the Kancamagus Highway in the towns of Lincoln, Livermore, Waterville, Albany and Conway. The commissioner is further authorized to close said highway during the hours of darkness and whenever weather conditions are such that in his judgment the safety of the public could be endangered. The commissioner is further authorized to close said highway during any period when the use of the highway could result in damages to the facility. The commissioner may post appropriate notices covering the use of this highway and may establish gates or other devices to prohibit the use of the highway during specified periods.

180:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 28, 1969.]

[Effective date July 27, 1969.]

CHAPTER 181.

AN ACT ENABLING ALL COUNTY COMMISSIONERS TO EMPLOY CLERKS AND AGENTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

181:1 County Commissioners. Amend RSA 28:10 by striking out in lines one and two the word "Hillsborough" and inserting in place thereof the word (each) so that said section as amended shall read as follows: **28:10 Employees, Counties.** The commissioners of each county shall employ such number of clerks and agents as said commissioners deem necessary.

181:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 28, 1969.]

[Effective date July 27, 1969.]

CHAPTER 182.

AN ACT RELATING TO SCHOOL DISTRICT MEETINGS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

182:1 Justice of Superior Court. Amend RSA 197:5 by striking out in line two the words "justice of the peace" and inserting in place thereof the following (justice of superior court) so that said section as amended shall read as follows: **197:5 Warning.** They shall be warned by the school board,

or, in cases authorized by law, by a justice of superior court, by a warrant addressed to the inhabitants of the district qualified to vote in district affairs, stating the time and place of the meeting and the subject matter of the business to be acted upon. In all districts which have not adopted the provisions of this title providing for medical inspection in schools the warrant shall contain an article relating thereto.

182:2 Neglect or Refusal to Call Meeting. Amend RSA 197:9 by striking out said section and inserting in place thereof the following: **197:9 By a Justice of Superior Court.** If the school board unreasonably neglect or refuse to warn an annual meeting, or to call a special meeting after a sufficient application therefor is made to them, a justice of superior court, upon petition of ten or more voters, or one-sixth of the voters of the district, may issue such warrant and cause it to be posted, and, if for a special meeting, to be published as required by law. The members of the school board shall be made parties defendant to such petition.

182:3 Effective Date. This act shall take effect upon its passage.
[Approved May 28, 1969.]
[Effective date May 28, 1969.]

CHAPTER 183.

AN ACT RELATIVE TO APPEALS FROM DECISIONS BY SELECTMEN REFUSING TO GRANT
A VETERANS PROPERTY TAX EXEMPTION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

183:1 False Statements. Amend RSA 72:34 by striking out said section and inserting in place thereof the following: **72:34 — Investigation of Application.** On receipt of an application provided for in section 33, the selectmen or assessors shall examine the same with reference to the right of exemption, the ownership of the property listed, and, if necessary, the encumbrances reported; and if they are satisfied that the applicant has not wilfully made any false statement in such application for the purpose of obtaining the exemption, they may grant the applicant an exemption.

183:2 Right of Appeal. Amend RSA 72 by inserting after section 34, as amended by this act, the following new section: **72:34-a Appeal From Refusal to Grant Exemption.** Whenever the selectmen or assessors refuse to grant an applicant an exemption to which he may be entitled under the provisions of section 28, 29-a, 30, 31, 32, 25, 36-a or 37, said applicant may appeal in writing within six months of receipt of the tax bill to the state tax commission which may order an exemption, or an abatement if a tax has been assessed.

183:3 Effective Date. This act shall take effect sixty days after its passage.
[Approved May 28, 1969.]
[Effective date July 27, 1969.]

CHAPTER 184.

AN ACT COMMITTING FOR OBSERVATION A PERSON INDICTED OR BOUND OVER.

Be it Enacted by the Senate and House of Representatives in General Court convened:

184:1 Bind Over. Amend RSA 135:17 (supp) as amended by 1961, 222:1; 1963, 39:2 and 1967, 132:4 by striking out in line two the words "committed to jail on any criminal charge" and inserting in place thereof the words (bound over by any district or municipal court) so that the said section as amended shall read as follows: **135:17 Commitment for Observation.** When a person is indicted for any offense, or is bound over by any district or municipal court to await the action of the grand jury, the superior court before which he is to be tried, if a plea of insanity is made in court, or said court is notified by either party that there is a question as to the sanity of the respondent, may order such person into the care and custody of the superintendent of the New Hampshire Hospital, to be detained and observed by him until further order of the court, or until such person shall have been ordered discharged from the hospital by the director of the division of mental health upon a report to him by the superintendent that such person is not insane.

184:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 28, 1969.]

[Effective date July 27, 1969.]

CHAPTER 185.

AN ACT RELATIVE TO THE SALE OF SUBDIVIDED LAND IN ZONED AREAS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

185:1 Subdivision of Land. Amend RSA 36:27 (supp) as amended by 1963, 163:3 by striking out said section and inserting in place thereof the following: **36:27 Penalties for Transferring Lots in Unapproved Subdivisions.** Any owner, or agent of the owner, of any land located within a subdivision, who transfers or sells any land, before a plat of the said subdivision has been approved by the planning board and recorded or filed in the office of the appropriate register of deeds shall forfeit and pay a penalty of one hundred dollars for each lot or parcel so transferred or sold; and the transfer or sale of any land within a subdivision, before said subdivision has been approved by the planning board, shall be null and void; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. Said municipality, through its solicitor or other official designated by its council, may enjoin such transfer or sale or agreement and may recover the said penalty by civil action.

185:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved May 28, 1969.]

[Effective date July 27, 1969.]

CHAPTER 186.

AN ACT MAKING APPROPRIATION FOR THE LEGISLATIVE OBSERVANCE OF THE
SESQUICENTENNIAL OF THE OPENING OF THE STATE HOUSE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

186:1 Appropriation. There is hereby appropriated ten thousand dollars, which shall be a charge against the legislative appropriation, to be expended by the committee appointed for the legislative observance of the sesquicentennial of the opening of the state house, with the approval of the chairman of the joint rules committee, for any of the purposes of such an observance including but not being limited to the part-time employment of Leon Anderson to assist and work with said committee.

186:2 Commemorative Bottles. Notwithstanding any of the provisions of RSA Title XIII Alcoholic Beverages, the state liquor commission is hereby authorized and directed to enter into a contract for the manufacture and purchase of commemorative bottles in the shape of the state house. The legislative sesquicentennial committee, appointed by the president of the senate and the speaker of the house, shall approve the design of such bottles and shall approve the quantity to be purchased. The state liquor commission shall sell said commemorative bottles in all their retail store outlets at a price arrived at as follows: To the cost of said bottles, the state liquor commission shall add the same markup as it would add to the cost of the same liquor if it were in an ordinary bottle and in addition, shall add whatever additional monies the sesquicentennial committee directs it to add. The regular markup, as above explained, shall be considered income to the state liquor commission and shall be handled as any other income received by it pursuant to the provisions of RSA Title XIII. The additional markup, as directed by the sesquicentennial committee, shall be reported separately by the state liquor commission and shall be credited to the legislative appropriation.

186:3 Effective Date. This act shall take effect upon its passage.

[Approved May 28, 1969.]

[Effective date May 28, 1969.]

CHAPTER 187.**AN ACT RELATIVE TO COUNSEL FEES AND INTEREST IN WORKMEN'S
COMPENSATION CASES.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

187:1 Payment of Counsel Fees and Interest. Amend RSA 281 by inserting after section 37 the following new section: **281:37-a Award of Fees and Interest.** In any dispute over the amount of benefits payable under this chapter which is appealed to the superior or supreme courts, the employee, if he prevails, shall be entitled to reasonable counsel fees as approved by the court, and interest at the rate of six percent per annum on that portion of any award the payment of which is contested; provided that the interest shall be computed from thirty days after award by the commissioner.

187:2 Interest in Civil Proceedings. Amend RSA 524:1-b, as inserted by 1957, 201:1 and amended by 1963, 293:1 and 1967, 407:1 by striking out in lines six, seven and eight the words "or for compensation due under the provisions of RSA 281, workmen's compensation law, and awarded by a superior court on appeal from a ruling of the labor commissioner pursuant to RSA 281:37 and 40,"; and in lines thirteen, fourteen and fifteen the words "provided, however, that in workmen's compensation cases, interest shall not be allowed for future disability benefits not due and payable until after entry of final judgment", so that said section as amended shall read as follows: **524:1-b Interest from Date of Writ.** In all other civil proceedings at law or in equity in which a verdict is rendered or a finding is made for pecuniary damages to any party, whether for personal injuries, for wrongful death, for consequential damages, for damage to property, business or reputation, for any other type of loss for which damages are recognized, there shall be added by the clerk of court to the amount of damages interest thereon from the date of the writ or the filing of the petition to the date of entry of final judgment, even though such interest brings the amount of the verdict or findings beyond the maximum liability imposed by law.

187:3 Effective Date. This act shall take effect sixty days after its passage, and shall govern all proceedings arising out of injuries sustained on and after its effective date.

[Approved June 2, 1969.]

[Effective date August 1, 1969 and shall govern all proceedings arising out of injuries sustained on and after its effective date.]

CHAPTER 188.

AN ACT RELATIVE TO PROCEDURE FOR RE-ASSESSMENT OF TAXES BY TAX COMMISSION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

188:1 Procedure. Amend RSA 71:12 (supp) as amended by 1959, 123:1; 1963, 272:1 and 1965, 227:1 by striking out said section and inserting in place thereof the following:

71:12 Re-Assessments. The tax commission may order a re-assessment of any taxable property in the state:

I. When a specific written complaint is filed with it, by a property owner, within ninety days of the date on which the last tax bill on the original warrant is sent by the collector of taxes of the taxing district, that a particular parcel of real estate or item of personal property not owned by him has been fraudulently, improperly, unequally or illegally assessed, the complainant shall pay a fee of ten dollars for each specific particular parcel or specific item of personal property complained of. The tax commission shall send notice by certified mail to the taxpayer against whose property the complaint is made; or

II. When it comes to the attention of the tax commission from any source, except as provided in paragraph I, that a particular parcel of real estate or item of personal property has not been assessed, or that it has been fraudulently, improperly, unequally, or illegally assessed; or

III. When in the judgment of the commission any or all of the property in a taxing district should be re-assessed, or

IV. When a complaint is filed with the commission alleging that all of the taxable real estate or taxable property in a taxing district should be re-assessed for any reason, the complaint must be signed by at least fifty property taxpayers or one third of the property taxpayers in the taxing district, whichever is less.

188:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 3, 1969.]

[Effective date August 2, 1969.]

CHAPTER 189.

AN ACT RELATING TO ISSUANCE OF PLATES TO MOTOR VEHICLE DEALERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

189:1 Motor Vehicle Dealer Junk Yards. Amend RSA 267-A:14 as inserted by 1965, 372:1 by striking out the section and inserting in place thereof the following: **267-A:14 Motor Vehicle Dealers.** Both new and used car dealers are hereby required to remove from their premises registered

with the director of motor vehicles as their principal place of business any motor vehicle which is of the type referred to in paragraph 1 of section 2 of this chapter, under the definition of junk yard, within at least one hundred sixty days from the date of its original entrance thereon. Any other location within the same community used by such dealer shall be subject to the terms of this chapter if in its operation it falls within the confines of the definition of the term motor vehicle junk yard as defined in this chapter. Definitions in chapter 259 are hereby amended to conform to definitions in this chapter.

189:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 3, 1969.]

[Effective date August 2, 1969.]

CHAPTER 190.

AN ACT RELATIVE TO THE TRANSPORTATION OF JUNK MOTOR VEHICLES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

190:1 Binder Chains. Amend RSA 263 by inserting after section 68-b the following new section: **263:68-c Binder Chains on Vehicles Carrying Junk Motor Vehicles.** No motor truck, trailer or semi-trailer, while being used to transport junk motor vehicles shall be operated on the highways of this state unless each such load on each such unit is bound by three chains and binders, said chains made of not less than three-eighths inch wire, and unless said chains and binders are held firmly in place and are properly spaced to secure the load.

190:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 3, 1969.]

[Effective date August 2, 1969.]

CHAPTER 191.

AN ACT RELATIVE TO EMERGENCY LIGHTS ON MOTOR VEHICLES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

191:1 Additional Vehicles. Amend RSA 263:41 as amended by 1963, 254:1 by striking out said section and inserting in place thereof the following: **263:41 Emergency Lights.** It shall be unlawful for any motor vehicle to be operated on the ways of the state equipped with an emergency light. This provision shall not apply to vehicles of law enforcement officers, forestry departments, fire departments, volunteer members of fire department,

state, city or town highway or public works departments, public utilities, wreckers, public or private ambulances, private snow removal vehicles, emergency highway service vehicles and such other vehicles as determined by the director. Emergency lights shall not be in operation except while such vehicle is actively in use during an emergency and in the case of private snow removal vehicles, while such vehicle is actively in use in snow removal. The director by regulation shall determine the location and color of said emergency lights.

191:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 3, 1969.]

[Effective date August 2, 1969.]

CHAPTER 192.

AN ACT CHANGING THE NAME OF NIGGER ISLAND IN HANOVER TO GILMAN ISLAND.

Be it Enacted by the Senate and House of Representatives in General Court convened:

192:1 Name Changed. The island of land situate in the Connecticut River within the town of Hanover presently known as Nigger Island shall hereafter be called and known as Gilman Island.

192:2 Effective Date. This act shall take effect upon passage.

[Approved June 3, 1969.]

[Effective date June 3, 1969.]

CHAPTER 193.

AN ACT NAMING THE ALMOND (RED) WATSON CIVIL DEFENSE TRAINING CENTER
AND PROVIDING FOR A PLAQUE TO BE ERECTED THEREON.

Be it Enacted by the Senate and House of Representatives in General Court convened:

193:1 Civil Defense Training Center Named. The civil defense area established in Guilford under authority of Laws of 1961, chapter 216, shall hereafter be known as the Almond (Red) Watson Civil Defense Training Center. The commissioner of public works and highways is hereby directed to secure a suitable plaque to be erected at said training center designating the name hereby given to said center.

193:2 Acceptance of Gift. For the purpose of having available funds for the plaque to be established at the civil defense training center at Guilford as provided in section 1 of this act the department of public works and highways is hereby authorized to accept and expend a gift of two hundred dollars from the Lakes Region Mutual Fire Aid Association to pay for said plaque.

193:3 Effective Date. This act shall take effect upon its passage.

[Approved June 3, 1969.]

[Effective date June 3, 1969.]

CHAPTER 194.

AN ACT ENACTING THE UNIFORM RECOGNITION OF ACKNOWLEDGMENTS ACT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

194:1 New Chapter. Amend RSA by inserting after chapter 456 the following new chapter:

Chapter 456-A

Uniform Recognition of Acknowledgments Act

456-A:1 Recognition of Notarial Acts Performed Outside This State.

For the purposes of this chapter, "notarial acts" means acts which the laws and regulations of this state authorize notaries public of this state to perform, including the administering of oaths and affirmations, taking proof of execution and acknowledgments of instruments, and attesting documents. Notarial acts may be performed outside this state for use in this state with the same effect as if performed by a notary public of this state by the following persons authorized pursuant to the laws and regulations of other governments in addition to any other person authorized by the laws and regulations of this state:

I. a notary public authorized to perform notarial acts in the place in which the act is performed;

II. a judge, clerk, or deputy clerk of any court of record in the place in which the notarial act is performed;

III. an officer of the foreign service of the United States, a consular agent, or any other person authorized by regulation of the United States department of state to perform notarial acts in the place in which the act is performed;

IV. a commissioned officer in active service with the armed forces of the United States and any other person authorized by regulation of the armed forces to perform notarial acts if the notarial act is performed for one of the following or his dependents: a merchant seaman of the United States, a member of the armed forces of the United States, or any other person serving with or accompanying the armed forces of the United States; or

V. any other person authorized to perform notarial acts in the place in which the act is performed.

456-A:2 Authentication of Authority of Officer.

I. If the notarial act is performed by any of the persons described in paragraphs I to IV, inclusive of section 1, other than a person authorized to perform notarial acts by the laws or regulations of a foreign country, the

signature, rank, or title and serial number, if any, of the person are sufficient proof of the authority of a holder of that rank or title to perform the act. Further proof of his authority is not required.

II. If the notarial act is performed by a person authorized by the laws or regulations of a foreign country to perform the act, there is sufficient proof of the authority of that person to act if:

(a) either a foreign service officer of the United States resident in the country in which the act is performed or a diplomatic or consular officer of the foreign country resident in the United States certifies that a person holding that office is authorized to perform the act;

(b) the official seal of the person performing the notarial act is affixed to the document; or

(c) the title and indication of authority to perform notarial acts of the person appears either in a digest of foreign law or in a list customarily used as a source of such information.

III. If the notarial act is performed by a person other than one described in paragraphs I and II, there is sufficient proof of the authority of that person to act if the clerk of a court of record in the place in which the notarial act is performed certifies to the official character of that person and to his authority to perform the notarial act.

IV. The signature and title of the person performing the act are prima facie evidence that he is a person with the designated title and that the signature is genuine.

456-A:3 Certificate of Person Taking Acknowledgment. The person taking an acknowledgment shall certify that:

I. the person acknowledging appeared before him and acknowledged he executed the instrument; and

II. the person acknowledging was known to the person taking the acknowledgment or that the person taking the acknowledgment had satisfactory evidence that the person acknowledging was the person described in and who executed the instrument.

456-A:4 Recognition of Certificate of Acknowledgment. The form of a certificate of acknowledgment used by a person whose authority is recognized under section 1 shall be accepted in this state if:

I. the certificate is in a form prescribed by the laws or regulations of this state;

II. the certificate is in a form prescribed by the laws or regulations applicable in the place in which the acknowledgment is taken; or

III. the certificate contains the words "acknowledged before me," or their substantial equivalent.

456-A:5 Certificate of Acknowledgment. The words "acknowledged before me" means

I. that the person acknowledging appeared before the person taking the acknowledgment,

II. that he acknowledged he executed the instrument,

III. that, in the case of:

- (a) a natural person, he executed the instrument for the purposes therein stated;
- (b) a corporation, the officer or agent acknowledged he held the position or title set forth in the instrument and certificate, he signed the instrument on behalf of the corporation by proper authority, and the instrument was the act of the corporation for the purpose therein stated;
- (c) a partnership, the partner or agent acknowledged he signed the instrument on behalf of the partnership by proper authority and he executed the instrument as the act of the partnership for the purposes therein stated;
- (d) a person acknowledging as principal by an attorney in fact, he executed the instrument by proper authority as the act of the principal for the purposes therein stated;
- (e) a person acknowledging as a public officer, trustee, administrator, guardian, or other representative, he signed the instrument by proper authority and he executed the instrument in the capacity and for the purposes therein stated; and

IV. that the person taking the acknowledgment either knew or had satisfactory evidence that the person acknowledging was the person named in the instrument or certificate.

456-A:6 Short Forms of Acknowledgment. The forms of acknowledgment set forth in this section may be used and are sufficient for their respective purposes under any law of this state. The forms shall be known as "statutory short forms of acknowledgment" and may be referred to by that name. The authorization of the forms in this section does not preclude the use of other forms.

I. For an individual acting in his own right:

State of
County of

The foregoing instrument was acknowledged before me this (date) by (name of person acknowledged).

(Signature of Person Taking Acknowledgment)
(Title or Rank)
(Serial Number, if any)

II. For a corporation:

State of
County of

The foregoing instrument was acknowledged before me this (date) by (name of officer or agent, title of officer or agent) of (name of corporation acknowledging) a (state or place of incorporation) corporation, on behalf of the corporation.

(Signature of Person Taking Acknowledgment)
(Title or Rank)
(Serial Number, if any)

III. For a partnership:

State of

County of

The foregoing instrument was acknowledged before me this (date) by (name of acknowledging partner or agent), partner (or agent) on behalf of (name of partnership), a partnership.

(Signature of Person Taking Acknowledgment)

(Title or Rank)

(Serial Number, if any)

IV. For an individual acting as principal by an attorney in fact:

State of

County of

The foregoing instrument was acknowledged before me this (date) by (name of attorney in fact) as attorney in fact on behalf of (name of principal).

(Signature of Person Taking Acknowledgment)

(Title or Rank)

(Serial Number, if any)

V. By any public officer, trustee, or personal representative:

State of

County of

The foregoing instrument was acknowledged before me this (date) by (name and title of position).

(Signature of Person Taking Acknowledgment)

(Title or Rank)

(Serial Number, if any)

456-A:7 Acknowledgments Not Affected by this Act. A notarial act performed prior to the effective date of this chapter is not affected by this chapter. This chapter provides an additional method of proving notarial acts. Nothing in this chapter diminishes or invalidates the recognition accorded to notarial acts by other laws or regulations of this state.

456-A:8 Uniformity of Interpretation. This act shall be so interpreted as to make uniform the laws of those states which enact it.

456-A:9 Short Title. This act may be cited as the Uniform Recognition of Acknowledgments Act.

194:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 3, 1969.]

[Effective date August 2, 1969.]

CHAPTER 195.

AN ACT ESTABLISHING A LEGISLATIVE STUDY COMMITTEE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

195:1 New Chapter. Amend RSA by inserting after chapter 17-A (supp) as inserted by 1963, 297:1 the following new chapter:

Chapter 17-B**Legislative Study Committee**

17-B:1 Committee Established. There is hereby established a legislative study committee.

17-B:2 Members; Appointment. The legislative study committee shall consist of fifteen members.

I. Eleven shall be members of the house of representatives. One shall be the speaker or the majority leader, as the speaker shall appoint, and one shall be the minority leader. Nine shall be appointed by the speaker and shall be in the same ratio as both political parties bear to each other in the elected membership of the house.

II. Four shall be members of the senate. One shall be the president or the majority leader, as the president shall appoint, and one shall be the minority leader. Two other members shall be appointed by the president.

III. Committee members shall be appointed just prior to adjournment of each regular biennial session, and they shall hold office until their successors are appointed and qualified.

IV. Any vacancy arising in the membership shall be filled, consistent with the provisions of the preceding paragraphs, by the appointing official named therein.

17-B:3 Meetings; Quorum.

I. The committee shall meet within ten days after its creation and organize by selecting a chairman, and a vice-chairman, one of whom shall be a member of the senate and one of whom shall be a member of the house.

II. The regular meeting place of the committee shall be at the state house, Concord, New Hampshire. It shall meet in accordance with rules established by it, but, in any event, at least quarterly.

III. A majority of the members of the committee shall constitute a quorum.

17-B:4 Compensation. The members of the committee shall serve without compensation, but they shall be entitled to legislative mileage and necessary expenses incurred while attending meetings of the committee, within the state, except members shall not be entitled to said mileage and expenses when the general court is in session.

17-B:5 Duties of the Committee. It shall be the duty of the committee to:

I. Establish rules to govern its practice and procedure;

II. Establish such standing subcommittees from its membership as are necessary to perform its duties under this chapter;

III. Consider all matters referred to it by the house, by the senate, or by the governor and council, as well as such problems of major concern throughout the state as might reasonably be expected to come before the general court for its consideration;

IV. Prepare in advance of each regular session of the general court a report incorporating in its studies, together with a legislative program based upon its research, studies and exploration of the state's problems;

V. Consult from time to time with the commission to study uniform state laws established by RSA 18:1 on uniform legislation.

17-B:6 Powers of the Committee. The committee shall have the power to:

I. Employ, within the limits of its appropriation, such experts as may be required to perform its duties;

II. Hold public hearings:

(a) To request information from all governmental departments and agencies,

(b) To require the appearance of witnesses by use of a subpoena duces tecum so far as such appearance, testimony and evidence is material and relevant to committee studies,

III. Consult from time to time, while the legislature is not in session, with the governor concerning the execution of legislative policy by the executive departments;

IV. Hire a full time secretary and/or clerical help, and a permanent office shall be provided said help in the state house adjacent to or suitably near the office of legislative services.

17-B:7 Duties of the Chairman. The chairman of the committee shall assign members to the standing subcommittees established under 17-B:5 (II).

17-B:8 Powers of the Chairman. The chairman of the committee shall have the power to appoint special committees from the membership to consider, study and resolve particular matters under consideration.

17-B:9 Referrals. Any matter referred to the legislative study committee by the house or senate shall contain a directive to the committee stating the reason for referral and including minutes and records of legislative hearings.

17-B:10 Advisory Committees. The chairman, upon recommendation of the committee, may appoint to advisory committees persons who may or may not be members but who shall have proper qualifications to assist the committee in performing its duties.

17-B:11 Interpretation of Provision. It is the declared intention of this chapter to eliminate the establishing of interim commissions in the future. This chapter shall be interpreted to carry out the above-stated intention.

17-B:12 Appropriation. A biennial appropriation shall be made by the general court to carry out the provisions of this chapter.

195:2 Repeal. RSA chapter 17, establishing the legislative council is hereby repealed.

195:3 Effective Date. This act shall take effect July 1, 1969.

[Approved June 3, 1969.]

[Effective date July 1, 1969.]

CHAPTER 196.

AN ACT RELATIVE TO THE VOCATIONAL-TECHNICAL INSTITUTES, AREA VOCATIONAL CENTERS, AND REMOVAL OF SCHOOL DISTRICT EMPLOYEES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

196:1 Technical Institute Named. Amend RSA 188-A:3 as inserted by 1961, 267:1 by striking out said section and inserting in place thereof the following:

188-A:3 Name and Program of the Technical Institutes. The program of the technical institutes shall be designed to prepare qualified high school graduates as technicians who may serve as assistants to professionally trained personnel. The name of the technical institute shall be:

I. New Hampshire Technical Institute, Concord

196:2 Vocational-Technical Institutes Named. Amend RSA 188-A:6 as inserted by 1961, 267:1 by striking out said section and inserting in place thereof the following:

188-A:6 Name and Program of the Vocational-Technical Institutes. The program of the vocational-technical institutes shall be designed to prepare qualified high school graduates or the equivalent as skilled workers to meet the occupational needs of the state. The names of the vocational-technical institutes shall be:

I. New Hampshire Vocational-Technical College, Berlin

II. New Hampshire Vocational-Technical College, Claremont

III. New Hampshire Vocational-Technical College, Laconia

IV. New Hampshire Vocational-Technical College, Manchester

V. New Hampshire Vocational-Technical College, Nashua

VI. New Hampshire Vocational-Technical College, Portsmouth

196:3 State Aid for Area Vocational Centers. Amend RSA 188-A:12 (supp) as inserted by 1961, 267:1 and amended by 1967, 13:8 by striking out said section and inserting in place thereof the following:

188-A:12 State Aid for Area Vocational Students.

I. The state board of education is hereby authorized and directed to designate comprehensive high schools offering vocational education pro-

grams as vocational education centers. The state board is further authorized to pay from its regular budget full or partial tuition and transportation for pupils attending designated vocational courses whose residence is in a district where the high school of normal attendance does not offer a similar vocational course. Tuition is not to exceed the rate being paid by regular students attending the high school operating the vocational education center. Transportation is not to exceed normal transportation charges on established public buses or a reasonable rate established by the board.

II. In the event that the sum in the budget for state aid for tuition and transportation is insufficient to pay the total amount of charges for that fiscal year, tuition shall be paid first and the transportation shall be prorated among the eligible pupils attending. Payment of tuition and transportation under this section may be supplemented by the utilization of federal funds if available.

III. Pupils shall be permitted to enroll at their normal high schools for regular courses and attend an area vocational center for purposes of taking vocational courses or may attend the vocational center for their entire program.

196:4 Removal of Teacher. Amend RSA 189:31 by inserting at the end thereof the following (The person so removed shall continue as an employee of the district unless discharged by the local school board but may not return to the classroom or undertake to perform the duties of his position unless reinstated by the superintendent) so that said section as amended shall read as follows: **189:31 Removal of Teacher.** Superintendents shall direct and supervise the work of teachers, and for cause may remove a teacher or other employee of the district. The person so removed shall continue as an employee of the district unless discharged by the local school board but may not return to the classroom or undertake to perform the duties of his position unless reinstated by the superintendent.

196:5 Appeal After Removal. Amend RSA 189:32 by striking out said section and inserting in place thereof the following: **189:32 — Appeal.** Any person so removed, unless dismissed by the school board, may appeal to the commissioner of education. The commissioner shall prescribe the manner in which appeals shall be made, and when one is made shall investigate the matter in any way he sees fit, and make such orders as justice requires.

196:6 Effective Date. This act shall take effect on passage.

[Approved June 5, 1969.]

[Effective date June 5, 1969.]

CHAPTER 197.

AN ACT RELATIVE TO TEMPORARY LEAVE FOR PATIENTS OF THE NEW HAMPSHIRE HOSPITAL AND REQUIRING THE COMMISSIONER OF SAFETY TO ASSIST IN RETURNING THEM THERETO.

Be it Enacted by the Senate and House of Representatives in General Court convened:

197:1 Police Assistance. Amend RSA 135:31 as amended by 1961, 38:3 and 1961, 222:1 by striking out said section and inserting in place thereof the following: **135:31 Temporary Absences.** The superintendent of the hospital may permit any inmate thereof temporarily to leave said institution in charge of his guardian, relatives, friends, or himself, for a period not exceeding one year, and may receive him when returned within said period, or may take him into custody, without any further order of commitment. If the superintendent is requested to furnish assistance in having the patient returned to the hospital within said period, and if in his opinion such assistance is indicated, he or his designee is authorized to request such assistance from the commissioner of safety who shall immediately take whatever action is necessary in effecting the prompt delivery of the patient to New Hampshire Hospital.

197:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 5, 1969.]

[Effective date August 4, 1969.]

CHAPTER 198.

AN ACT TO PROHIBIT HUNTING OF DEER FROM SNOWMOBILES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

198:1 Driving of Deer by Snowmobiles Prohibited. Amend RSA 208:7 (supp) as amended by 1967, 28:1, by inserting in line five after the word "devices" the following (or by use of snow traveling vehicles) so that said section as amended shall read as follows: **208:7 Limit, Manner of Hunting.** No person shall take more than one deer in any one season. No person shall hunt or take deer with the aid or by the use of a dog, jack, or other artificial light, trap, snare, salt lick, swivel, pivot or set gun. No person shall drive deer by the use of horns, whistles, or other noise-making devices or by use of snow traveling vehicles. It shall be unlawful for more than six persons to participate in a joint hunt for deer, wherein an effort is made to drive deer.

198:2 Carrying of Weapons on Snowmobiles. Amend RSA 262 by inserting after section 55 (supp) the following new section: **262:55-a Carrying of Firearms.** No person shall carry on a snow traveling vehicle any firearm unless said firearm is unloaded and in a case or holster. This section shall not apply to law enforcement officers carrying firearms in the course of duty.

198:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 5, 1969.]

[Effective date August 4, 1969.]

CHAPTER 199.

AN ACT RELATIVE TO ALLOWING CREDIT AND SUPERVISORY COMMITTEE MEMBERS THE SAME BORROWING PRIVILEGES NOW AVAILABLE TO MEMBERS OF BOARDS OF DIRECTORS OF CREDIT UNIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

199:1 Loans to Officials. Amend RSA 394:30 as amended by 1963, 306:9 by striking out said section and inserting in place thereof the following section: **394:30 Loans to Officials.** Members of the board of directors, credit committee, or supervisory committee may borrow from the credit union. Members of the board of directors, credit committee, and supervisory committee may borrow or become surety for loans in excess of their holdings in such credit union provided such loans are approved by a majority of the members of the credit and supervisory committees; provided, that no member of a credit committee or supervisory committee shall have a vote concerning his own loan application, or be entitled to participate in the deliberations regarding said loan. No loan to any such official shall receive terms more favorable than those extended to other persons borrowing from said credit union.

199:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 5, 1969.]

[Effective date August 4, 1969.]

CHAPTER 200.

AN ACT RELATIVE TO THE LICENSING LAW FOR PRACTICAL NURSES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

200:1 Fees Increased. Amend RSA 326:21 as amended by 1955, 207:1 and 1965, 233:5 by striking out said section and inserting in place thereof the following new section: **326:21 Fees.** Each person applying for examination, and/or certificate of registration as a licensed practical nurse shall pay to the commissioner of education a fee of not less than fifteen dollars nor more than twenty-five dollars which fee as to amount within the limits above provided shall be determined annually by the board. All fees so received together with fees received from licensing permits shall be paid to the state treasurer who shall keep the same in a separate fund to be used only for the purpose of the board of nursing education and nurse registration hereunder.

200:2 New Section. Amend RSA 326 by inserting after section 22 the following new section: **326:22-a Temporary Permit.** The board may grant a temporary permit to an applicant for a certificate of registration for such a period of time as the board may determine, provided however, in the case of registration by endorsement such temporary permit shall not exceed a period of ninety days.

200:3 Suspension and Revocation. Amend RSA 326:25 by striking out said section and inserting in place thereof the following: **326:25 Suspension and Revocation.** The board may for good cause, suspend or revoke any license or certificate of registration. No license or certificate shall be suspended or revoked until after a hearing before the board upon written notice of fourteen days. Such notice shall be served personally or by registered mail and shall set forth the date and place of the hearing and the grounds constituting the charges against the person complained of. All hearings shall be private except upon request of the party involved. No person shall practice as a licensed practical nurse after his license or certificate has been suspended or revoked. After such suspension or revocation application may be made to the board for restoration of license or certificate after a period of six months. The board may reinstate such applicant upon terms which, in the opinion of the board, will protect the interest of the public.

200:4 Effective Date. This act shall take effect upon its passage.

[Approved June 5, 1969.]

[Effective date June 5, 1969.]

CHAPTER 201.

AN ACT AUTHORIZING MUNICIPALITIES AND COUNTIES TO ISSUE BONDS OR NOTES FOR PRELIMINARY EXPENSES FOR PUBLIC WORKS OR IMPROVEMENTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

201:1 Plans and Specifications. Amend RSA 33 by inserting after section 33:3-b (supp) the following new section: **33:3-c Issue of Bonds for Preliminary Expenses.** A municipality or county may issue its bonds or notes for the purpose of defraying the cost of preliminary or final plans and specifications or other preliminary expenses incidental to or connected with any proposed public work or improvement of a permanent nature consisting of the construction, reconstruction, alteration or enlargement of a public building, the construction, enlargement or improvement of water works, or the construction, enlargement or improvement of a sewerage system or sewage or waste treatment facilities; said bonds or notes to mature over a period of not more than five years from the date of issue unless they are issued at the same time as bonds or notes for the public work or improvement for which such expenses were incurred, in which case said bonds or notes shall mature over a period not exceeding the expected useful life of such public work or improvement.

201:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 5, 1969.]

[Effective date August 4, 1969.]

CHAPTER 202.

AN ACT RELATIVE TO CHANGING THE NAME OF ROUND POND IN THE TOWN OF
WAKEFIELD TO IVANHOE POND.

Be it Enacted by the Senate and House of Representatives in General Court convened:

202:1 Name Changed. The body of water in the town of Wakefield now known as Round Pond shall hereafter be called and known as Ivanhoe Pond.

202:2 Effective Date. This act shall take effect upon its passage.

[Approved June 5, 1969.]

[Effective date June 5, 1969.]

CHAPTER 203.

AN ACT PROVIDING FOR THE ACQUISITION OF REAL PROPERTY BY THE STATE FOR THE
IMPROVEMENT AND DEVELOPMENT OF EXISTING AIR NAVIGATION FACILITIES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

203:1 Director of Aeronautics. Amend RSA 422:14 as amended by 1967, 354:2 by striking out said section and inserting in place thereof the following: **422:14 Powers and Duties of Director.** The director shall be the executive officer of the commission, and under the supervision of the commission, shall administer the provisions of this chapter and all the laws of the state relative to aeronautics. The director, with the approval of the commission, and within the limits of the appropriation may hire field and office assistants necessary for the proper execution of his duties. The director shall exercise general supervision, control, and direction on behalf of the state, over all matters pertaining to the location, construction, and maintenance of all air navigation facilities now or hereafter built or maintained, either in whole or in part, with money appropriated from the state treasury. He may recommend to the governor and council that the state acquire land, easements, and rights of way for the establishment, development or improvement of air navigation facilities. Such land, easements, and rights of way may be acquired by purchase, grant or condemnation in the manner provided by law by which the governor and council are authorized to acquire real property for public purposes, and property so acquired may be conveyed to a town for use in connection with the establishment, development or improvement of air navigation facilities for such a consideration as the governor and council may determine. The director shall be the coordinating authority for all agencies and persons participating in aircraft search and rescue missions within the state. Any agency, organization or person wishing to participate in aircraft search and rescue mission shall apply for and receive authority from the director to participate and such authority shall be subject to such terms, conditions and instructions as the director may deem appropriate. The director is authorized to reimburse aircraft owners for actual costs of aircraft operation during authorized air-

craft search and rescue missions. The director or his authorized representative shall be responsible for the investigation of all civil aircraft accidents occurring within the state. Prior to the time the authorized representative of the Federal agency responsible for the investigation of an aircraft accident arrives to take custody of the aircraft wreckage, no person shall touch, tamper with, or remove any part of such aircraft wreckage or property aboard without express approval of the director or his authorized representative, except where necessary to remove persons injured or trapped. If any one or more of the provisions of this section is held invalid, the validity of the remaining provisions shall not be affected thereby.

203:2 Effective Date. This act shall take effect upon passage.

[Approved June 5, 1969.]

[Effective date June 5, 1969.]

CHAPTER 204.

AN ACT RELATIVE TO APPEALS IN PROCEEDINGS RELATING TO BANKS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

204:1 Rehearings and Appeals. Amend RSA 384 by inserting after section 1 thereof the following new section: **384:1-a Procedure on Appeal.** The procedure for rehearings and appeals with respect to any decision, order or ruling of the commissioner or the board of a trust company incorporation issued under this title shall be that prescribed by RSA 541, except as otherwise provided in this title.

204:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 5, 1969.]

[Effective date August 4, 1969.]

CHAPTER 205.

AN ACT RELATIVE TO THE EXPENSES OF COUNTY ATTORNEYS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

205:1 Limitation Removed. Amend RSA 7:36 (supp) as amended by 1965, 364:2 by striking out in lines two and three after the word "duties" the words "while away from their offices" so that said section as amended shall read as follows: **7:36 Expenses; Payment.** The county attorneys are entitled to their actual expenses incurred in the discharge of their official duties. They shall be paid monthly for their salaries and expenses. They shall submit their expense accounts to a justice of the superior court for his approval before the accounts may be paid.

205:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 5, 1969.]

[Effective date August 4, 1969.]

CHAPTER 206.

AN ACT RELATIVE TO THE PENALTY FOR LATE PAYMENT OF POLL TAXES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

206:1 No Interest on Overdue Poll Taxes. Amend RSA 76:13 (supp) as amended by 1965, 81:1 by inserting in line one after the word "taxes" the following (except poll taxes) so that said section as amended shall read as follows: **76:13 Interest.** Interest at six per cent shall be charged upon all taxes except poll taxes not paid on or before December first after their assessment, which shall be collected from that date with the taxes as incident thereto, except in the case where a tax bill is sent to the taxpayer on or after November second and before November sixteenth, interest shall not be charged on taxes paid on or before December fifteenth and in case a tax bill is sent to the taxpayer on or after November sixteenth interest shall not be charged on taxes paid on or before December thirtieth. The tax collector shall state on the tax bill the date from which interest will be charged and such date shall be determined by the day the collector sends out the last tax bill on his list. The collector shall notify the tax commission in writing of the date on which the last tax bill was sent.

206:2 Penalty on Overdue Poll Taxes. Amend RSA 76 by inserting after section 13 (supp) as amended by this act the following new section: **76:13-a Poll Tax Penalty.** There shall be added to any poll tax not paid in full on or before December first following the assessment of the poll tax the sum of twenty cents which shall be collected with the tax as incident thereto.

206:3 Repeal. RSA 80:53, relative to time payable of certain taxes, is hereby repealed.

206:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 5, 1969.]

[Effective date August 4, 1969.]

CHAPTER 207.

AN ACT RELATIVE TO FISHING LIMITS IN GREAT BAY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

207:1 Seines, Nets and Weirs. Amend RSA 211:48 as amended by 1959, 306:2 by striking out said section and inserting in place thereof the following so that said section as amended shall read as follows: **211:48 Seines, Nets and Weirs.** No person shall use a seine or net or weir for the taking of salt water smelt in Great Bay, Little Bay, Piscataqua River, Exeter River, Oyster River, Bellamy River and their tributaries, provided that any person who at any time during the three years immediately preceding the enactment of this act has owned and operated a weir or weirs for taking of salt water smelt in these waters and who files the information herein after required with the director, fish and game, within ninety days after enactment of this act, may continue to operate said weir or weirs in the same location or locations and to no greater extent and in no larger size than he has previously operated during that three-year period. The information to be filed as provided herein shall include name and address of the owner and operator of the weir or weirs, the location, length and description of same and such other information as the director, fish and game, may require to establish the facts as to the person's prior ownership and operation and his right to continue to operate. No person shall use or have in use a weir or net for the taking of smelt in the Piscataqua river and its tributaries, easterly of an imaginary line drawn from the easterly end of the Portsmouth and Concord Bridge to Adam's Point in Durham.

207:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 5, 1969.]

[Effective date August 4, 1969.]

CHAPTER 208.

AN ACT PROVIDING FOR THE MANNER OF ELECTION OF OFFICERS AND THE
EXECUTIVE COMMITTEE AT COUNTY CONVENTIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

208:1 Officers to be Elected. Amend RSA 24:2 (supp) as amended by 1963, 113:2 and 1965, 330:16 by striking out in line three the word "choose" and inserting in place thereof the word (elect) so that said section as amended shall read as follows: **24:2 Officers and Executive Committee.** At its first regular meeting, or at any subsequent meeting when necessary, the county convention shall elect a chairman, vice-chairman, clerk, and an executive committee. The chairman, vice-chairman and clerk shall be members of the executive committee, ex officio.

208:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 5, 1969.]

[Effective date August 4, 1969.]

CHAPTER 209.

AN ACT RELATIVE TO THE USE OF SNOW TRAVELING VEHICLES ON GREAT BAY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

209:1 Operation of Motor Vehicles on Ice on Great Bay. Amend RSA 211:17-b as inserted by 1959, 306:3 by inserting in lines two and eight after the words "motor vehicle" the following (or snow traveling vehicle) so that said section as amended shall read as follows: **211:17-b Operation of Motor Vehicles or Snow Traveling Vehicles on Ice On Great Bay.** No person shall drive a motor vehicle or snow traveling vehicle on the ice on Great Bay except that any person who holds a New Hampshire fishing license may do so provided that he does not drive or park his vehicle any closer than three hundred feet to any occupied so-called bobhouse, fishing shanty or fishing hole other than the one he occupies. The provisions of this section shall not apply to any person engaged in emergency rescue operations or public service of any description. No person driving a motor vehicle or snow traveling vehicle on the ice on Great Bay shall operate vehicle at a speed greater than ten miles per hour. Whoever violates any provision of this section shall be fined not more than twenty-five dollars.

209:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 5, 1969.]

[Effective date August 4, 1969.]

CHAPTER 210.

AN ACT RELATIVE TO PERSONAL PROPERTY TAX LIENS ON MOBILE HOMES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

210:1 Personal Property Tax Lien. Amend RSA 72:7-a (supp) as inserted by 1961, 41:1 and amended by 1963, 149:1 and 1967, 57:1, by striking out said section and inserting in place thereof the following:

72:7-a House Trailers.

I. A house trailer, travel trailer, or mobile home suitable for use for domestic, commercial or industrial purposes is taxable in the town in which it is located on April first in any year if it was brought into the state on or before April first and remains here after June fifteenth in any year; except that a travel trailer as determined by the state tax commission, registered in this state for touring or pleasure and not remaining in any one town, city or unincorporated place for more than forty-five days, except for storage only, shall be exempt from taxation. Nothing contained in this section shall be construed as changing the method of taxing house trailers and mobile homes held by a manufacturer or dealer as stock in trade.

II. There shall be a lien for uncollected taxes upon any house trailer,

travel trailer, or mobile home suitable for use for domestic, commercial or industrial purposes that has been taxed pursuant to paragraph 1. Said lien shall take precedence over all other liens and encumbrances upon said house trailer, travel trailer, or mobile home, and shall continue in force until one year from October first following the assessment of the tax. The tax collector shall file with the town or city clerk a copy of a document stating the existence of any such lien, the amount of the uncollected taxes secured by the lien, the name and address of the person liable for the tax as of the date of its assessment, and the serial number and description of the house trailer, travel trailer, or mobile home upon which the tax has been assessed. The town or city clerk shall keep a file of such documents, which shall be open to public inspection.

210:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 5, 1969.]

[Effective date August 4, 1969.]

CHAPTER 211.

AN ACT RELATIVE TO THE CALLING OF SPECIAL MEETINGS OF COOPERATIVE SCHOOL DISTRICTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

211:1 Petition by Voters. Amend RSA 195:13 by striking out in line six the words "when there is need or occasion therefor" and inserting in place thereof the following (by majority vote of the school board. A special meeting shall be held within thirty days following the receipt by the school board of a petition calling for such meeting and setting forth the subject matter upon which action is desired signed by at least five percent of the voters who are duly registered on the check lists of the district on the date the petition is submitted) and by inserting in line seven after the letters "RSA" the following (except RSA 197:2) so that said section as amended shall read as follows: **195:13 Meetings, Annual, Special.** A meeting of every cooperative school district shall be held annually between March first and April twentieth for the choice of district officers, raising and appropriating money for the support of its schools for the fiscal year beginning July first next, and the transaction of other district business. Special meetings may be called by majority vote of the school board. A special meeting shall be held within thirty days following the receipt by the school board of a petition calling for such a meeting and setting forth the subject matter upon which action is desired signed by at least five percent of the voters who are duly registered on the check lists of the district on the date the petition is submitted. The provisions of chapter 197, RSA, except RSA 197:2, shall apply to cooperative school district meetings, except that a copy of the warrant shall be posted in a public place in each pre-existing district as well as at the place of meeting.

211:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 5, 1969.]

[Effective date August 4, 1969.]

CHAPTER 212.

AN ACT RELATIVE TO THE BALLOT-LAW COMMISSION'S AUTHORITY TO
DETERMINE CERTAIN DISPUTES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

212:1 Filing Disputes. Amend RSA 68 by inserting after section 3 the following new section: **68:3-a Filing Disputes.** The ballot-law commission shall hear and determine all disputes arising over the filing of nomination or declarations of candidacy papers with the secretary of state. The decision of the ballot-law commission shall be final as to questions both of law and fact, and no court shall have jurisdiction to review such decision.

212:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 5, 1969.]

[Effective date August 4, 1969.]

CHAPTER 213.

AN ACT RELATIVE TO THE POWERS OF THE INSURANCE COMMISSIONER.

Be it Enacted by the Senate and House of Representatives in General Court convened:

213:1 Rule Making and Investigative Powers. Amend RSA 400 by inserting after section 3 the following new section:

400:3-a Powers. The insurance commissioner shall have the power:

I. To make reasonable rules and regulations as he determines necessary for the effective administration and enforcement of the provisions of RSA Title XXXVII;

II. To conduct such investigations and hearings as he finds necessary to determine whether any provision of RSA Title XXXVII has been violated, and;

III. To conduct such other examinations, investigations, and hearings in addition to those specifically provided for as he may find necessary in order to promote the efficient administration of the provisions of RSA Title XXXVII.

213:2 Effective Date. This act shall take effect upon its passage.

[Approved June 5, 1969.]

[Effective date June 5, 1969.]

CHAPTER 214.

AN ACT TO INCREASE THE MEMBERSHIP OF THE COORDINATING BOARD
OF ADVANCED EDUCATION AND ACCREDITATION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

214:1 Membership Increased. Amend RSA 186:13-a (supp) as inserted by 1963, 303:16 and amended by 1967, 288:1 by striking out said section and inserting in place thereof the following: **186:13-a Coordinating Board of Advanced Education and Accreditation.** A coordinating board of advanced education and accreditation of eleven members shall be established with the following membership: The commissioner of education, president of the university of New Hampshire, president of Keene state college, president of Plymouth state college, chairman of the state board of education or his delegated representative, ex officio, and six members to be appointed by the governor, with the consent of the council, three of these six appointive members shall be educators selected from the private institutions of higher learning in New Hampshire. Appointive members of this board shall be appointed for five years each. Vacancies shall be filled for unexpired terms only. The board is hereby authorized to employ such staff as may be necessary to carry on its work, within the limits of its appropriation. The members of the board, except the ex officio members and any committee of evaluation established by them, shall serve without compensation but may be reimbursed for actual travel and other expenses incurred in the performance of their duties hereunder. The function of the board is to work in an advisory capacity only toward coordinating the activities of higher education in the state including community colleges and work with the New Hampshire members of the New England Board of Higher Education insofar as possible. The board shall evaluate institutions of higher learning wishing to grant degrees or issue diplomas, and make appropriate recommendation to the legislature, except for those exempted in RSA 292:8-h. The procedure and criteria for evaluation will be established by the board. Within five years after an institution in the state of New Hampshire, except for those exempted in RSA 292:8-h, received authority to grant degrees or issue diplomas or within five years after the effective date of this act for those receiving such authority prior to the establishment of the board, and thereafter at least once every ten years, it shall be evaluated by the board. On the basis of such evaluation, the board shall classify said institution into such category as will indicate its status as to approval and/or accreditation. The procedure and criteria for classification will be established by the board. The board may accept as a basis for classification, in lieu of evaluation by the board, accreditation by a recognized regional or national accrediting association.

214:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 5, 1969.]

[Effective date August 4, 1969.]

CHAPTER 215.

AN ACT RELATIVE TO THE DISPOSITION OF THE FEES OF CERTAIN BAIL COMMISSIONERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

215:1 Disposition of Certain Fees. Amend RSA 597:20 (supp) as amended by 1965, 195:1, by striking out the same and inserting in place thereof the following: **597:20 Fees.** The bail commissioners in such cases shall be entitled to a fee of two dollars when called between the hours of nine o'clock in the morning and five o'clock at night, Monday through Friday; and a fee of four dollars when called at any other time. In jurisdictions where the bail commissioner is a full time salaried police officer, constable, sheriff, deputy sheriff, state police employee, or anyone else authorized to execute police powers, the fee collected shall be remitted to the town or city in which the municipal or district court is situated.

215:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 5, 1969.]

[Effective date August 4, 1969.]

CHAPTER 216.

AN ACT RELATIVE TO THE EXAMINATION OF APPLICANTS FOR CHIROPRACTIC LICENSES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

216:1 National Examination. Amend RSA 316 by inserting after section 14 the following new section: **316:14-a National Examination.** Any person who has passed parts one and two of the national examination given by the National Board of Chiropractic Examiners shall be exempt from taking a written examination, and provided he meets all other qualifications and requirements of this chapter shall be registered and granted a license by the state board upon payment of the required fee and presentation of satisfactory proof that he has passed said parts of such national examination.

216:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 5, 1969.]

[Effective date August 4, 1969.]

CHAPTER 217.

AN ACT RELATIVE TO CHILD PLACING AND CHILD CARING AGENCIES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

217:1 Definition. Amend RSA 170:2 (supp) as amended by 1957, 116:2; 1961, 135:1, 222:1; 1963, 40:1 and 1965, 366:2 by striking out said section and inserting in place thereof the following: **170:2 Child-Caring Agency.** A child-caring agency is any person, firm, corporation or association who (1) operates or maintains a boarding home, foster home, or institution for children, or (2) receives for foster care, custody or control one or more children under the age of sixteen years unrelated by blood or marriage and separated from parent or guardian, except children committed by a court, or during part or all of the day regularly gives care to one or more unrelated children, under twelve years, whether or not the care is given for compensation, and whether or not the service is known as a family day care home, child care center, day nursery, day care agency, child development center, nursery school, kindergarten, play school, progressive school, or by any other name. The term child-caring agency does not include a bona fide summer camp, a hospital, a public school, a private school approved by the state board of education or a private home or other facility in which a child is left by his parent or guardian for temporary care for a period not exceeding thirty days in any calendar year. Such child-caring agencies shall keep a register of the name and address of each child, the name and address of his parent or guardian and the dates of his arrival and departure. Such register shall be available at any time for the inspection of the director of welfare or his authorized representative.

217:2 Repeal. RSA 125:37 thru 41 inclusive relative to the definition, registration and inspection of private nursery schools and private kindergartens are hereby repealed.

217:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 5, 1969.]

[Effective date August 4, 1969.]

CHAPTER 218.

AN ACT LICENSING INSURANCE CLAIMS ADJUSTERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

218:1 New Chapter. Amend RSA by inserting after chapter 402-A the following new chapter:

Chapter 402-B

Insurance Claims Adjusters

402-B:1 Prohibition. It is unlawful for any person, whether as agent or employee, to act directly or indirectly, as an insurance claims adjuster in this state for any insurance company unless licensed as provided in this chapter.

402-B:2 Persons Exempt. The provisions of this chapter shall not apply to the following: — (a) to claims processed by a salaried office employee,

licensed company agent or licensed broker dealing with a claimant in conjunction with his other duties and (b) to attorneys and counsellors at law duly admitted to practice pursuant to the provisions of RSA 311.

402-B:3 Applications. Applications for licenses as an insurance claims adjuster shall be made in writing to the commissioner of insurance on forms prescribed by him stating the age, sex, domicile, line or lines of insurance for which the applicant desires a license, and the place of business of the individual applicant. The commissioner shall require the applicant to set forth in his application such additional information as to his background and trustworthiness as is reasonably required to inform the commissioner of his character. The commissioner shall further require that the applicant submit three character affidavits signed by persons other than relatives who have known the applicant for not less than two years. Said affidavits shall state the opinion of the signer thereof as to the applicant's character and trustworthiness.

402-B:4 Examination. Except as hereinafter provided, the commissioner of insurance shall not issue an original claims adjuster's license to any applicant therefor unless and until said applicant shall have satisfactorily passed a reasonable written examination, which shall be administered by the commissioner, shall be in such form as said commissioner shall prescribe and shall be of sufficient scope to test the applicant's knowledge of insurance, the duties and responsibilities of a licensee, and the laws of the state applicable to insurance. The commissioner shall cause such examinations to be given at least four times annually. The commissioner is authorized to publish and distribute printed material indicating the scope of the examination and suggested sources of study. The commissioner shall collect a fee of ten dollars from each applicant for each such examination or re-examination.

402-B:5 — Exceptions. The commissioner shall waive the requirement of such examination in the following cases:

I. Nonresident applicants who are licensed as insurance claims adjusters in the states in which they reside, or if no license is required in said states, then nonresident applicants who have been engaged in the business of claims adjusting for a period of six months;

II. Residents of the state who (a) have been engaged in the business of insurance claims adjusting prior to the effective date of this act or (b) prove to the commissioner that they have passed a course on insurance conducted by an insurance company or an educational institution which course the commissioner has approved;

III. Attorneys-at-law.

402-B:6 Rules and Regulations. The commissioner may make reasonable rules and regulations necessary to affect the purposes of this chapter.

402-B:7 License to Issue. Upon satisfying himself that such applicant is in all respects properly qualified and of good character, and that the granting of such license is not against the public interest, the commissioner shall, upon the payment of the required fee, issue said applicant an insurance claims adjuster's license.

402-B:8 Fee. The commissioner of insurance shall collect the following fees which shall be paid into a special fund, hereby created, for use by the commissioner in administering this chapter:

I. For each original insurance claims adjuster's license, fifteen dollars.

II. For each annual renewal, ten dollars.

402-B:9 Form of License, Display. The insurance claims adjuster's license shall be in such form and contain such identifying information concerning the licensee as the commissioner of insurance shall prescribe. The licensee shall exhibit said license to each person, whether an insured, a claimant, a witness, a potential witness or any other informant with whom he may deal in the course of investigating or adjusting any claim or potential claim prior to any such dealings and shall identify the name of the company for which he works and the name of the insured.

402-B:10 Term; Renewals. Each insurance claims adjuster's license shall expire one year from the date of its issuance. Upon satisfactory proof of continued qualification and trustworthiness and the payment of the required fee, the commissioner shall, without examination, unless required to show qualification and trustworthiness, renew the license of any licensee upon its expiration.

402-B:11 Temporary License. In the event of an emergency or disaster, the commissioner of insurance may, in his discretion, issue temporary licenses to persons he thinks are qualified. Said temporary license shall terminate at the discretion of the commissioner or one year from its issuance, whichever is sooner. The fee for said temporary license shall be the same as that provided in section 402-B:8.

402-B:12 Suspension or Revocation. The commissioner may for good cause shown, after notice and hearing, suspend or revoke the insurance claims adjuster's license of any holder. Such hearing may be held by the commissioner or any person designated by him. Any person aggrieved by said action of the commissioner or refused a license or renewal of the same by him may appeal in accordance with the provisions of RSA 541.

402-B:13 Penalty. Any person who shall act within this state as an insurance claims adjuster without being licensed as herein provided, or any licensee who in the course of his work as an insurance claims adjuster shall misrepresent his identity or the identity of his principal or employer, or who shall wrongfully divulge information coming to him in his capacity as an insurance claims adjuster, shall be fined not more than five hundred dollars. Any licensee who has been convicted under the provisions of this section may have his license suspended or revoked in the discretion of the commissioner.

218:2 Effective Date. This act shall take effect sixty days after its passage, provided that no person shall be required to be licensed under the provisions of this act until one hundred and twenty days after the passage thereof.

[Approved June 6, 1969.]

[Effective date August 5, 1969, provided that no person shall be required to be licensed under the provisions of this act until October 4, 1969.]

CHAPTER 219.

AN ACT RELATIVE TO ICE FISHING ON GREAT BAY AND ITS TRIBUTARIES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

219:1 Ice Fishing on Great Bay. Amend RSA 214 by inserting after section 1 the following new section: **214:1-a License.** No person shall at any time fish through the ice on Great Bay or its tributaries in this state without first procuring a license so to do, and then only in accordance with the terms of such license and subject to all the provisions of this title.

219:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 6, 1969.]

[Effective date August 6, 1969.]

CHAPTER 220.

AN ACT RELATIVE TO PRIVATE SKI TOWS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

220:1 Exempt from Insurance Requirement. Amend RSA 225-A:26, I (supp) as inserted by 1963, 241:2, by inserting in line ten after the word "injury" the following (Provided, that operators of passenger tramways not open to the general public, operated without charge to the users thereof, need not maintain said insurance coverage. This exception shall not apply, however, to tramways operated by schools, ski clubs and other similar organizations.) so that said paragraph as amended shall read as follows: I. Unless an operator is in violation of this chapter or the regulations of the board, which violation is causal of the injury complained of, no action shall lie against any operator by any skier or representative thereof; this prohibition shall not, however, prevent the maintenance of an action against an operator for negligent construction or maintenance of the passenger tramway itself or any building within the area. The venue of any action by a skier against an operator shall be the county wherein the passenger tramway base station is located and not otherwise. Each operator shall maintain liability insurance with limits of not less than ten thousand dollars for each injury. Provided, that operators of passenger tramways not open to the general public, operated without charge to the users thereof, need not maintain said insurance coverage. This exception shall not apply, however, to tramways operated by schools, ski clubs and other similar organizations.

220:2 Effective Date. This act shall take effect upon its passage.

[Approved June 6, 1969.]

[Effective date June 6, 1969.]

CHAPTER 221.

AN ACT RELATIVE TO THE FILING OF ANNUAL RETURNS BY FOREIGN CORPORATIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

221:1 Need not File in Certain Cases. Amend RSA 294:105 by inserting in line seven after the word "request" the following (Provided, that a foreign corporation that has received its certificate of authority pursuant to the provisions of RSA 300:4 at any time between December first of the preceding year and April first, shall not be required to file said return during that year) so that said section as amended shall read as follows: **294:105 Returns.** Every business corporation, including foreign corporations doing business in this state, except public utility or other corporations making annual returns to the public utilities commission or the insurance commissioner, and except holders of certificates of approval under the provisions of section 26 of chapter 181, RSA, shall annually, on or before April first, make a return in writing to the secretary of state upon blanks to be furnished by him upon request. Provided, that a foreign corporation that has received its certificate of authority pursuant to the provisions of RSA 300:4 at any time between December first of the preceding year and April first, shall not be required to file said return during that year.

221:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 6, 1969.]

[Effective date August 5, 1969.]

CHAPTER 222.

AN ACT RELATIVE TO BRIDGE INSPECTION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

222:1 Bridge Inspection. Amend RSA by inserting after chapter 242 the following new chapter:

**Chapter 242-A
Bridge Inspection**

242-A:1 Policy. It is hereby declared to be the policy of this state that bridges on regularly maintained highways be inspected as herein provided.

242-A:2 Bridges on Class I, II and III Highways. The commissioner of public works and highways shall make an annual inspection of bridges on class I, II and III highways. Records of said inspections shall be kept by the department of public works and highways. The commissioner of public works and highways may employ such assistants, engineers or consulting services as may be necessary to carry out the provisions of this chapter.

242-A:3 Bridges on Class IV and V Highways and Municipally Maintained Bridges on Class II Highways. The town or city official in charge

of highways, or the selectmen of a town, shall make a biennial inspection of bridges on class IV or V highways and town or city maintained bridges on class II highways. Records of said inspection shall be kept by the town or city. Such town or city officials, or the selectmen of a town, may employ such assistants, engineers or other services as may be necessary to carry out the provisions of this section.

242-A:4 Assistance to Towns and Cities. The commissioner of public works and highways may, upon request of any town or city, inspect a bridge or bridges in said town or city and supply a copy of the record of said inspection at no expense to the town or city, provided that sufficient qualified personnel are available to make such inspections.

222:2 Effective Date. This act shall take effect on January 1, 1970.

[Approved June 6, 1969.]

[Effective date January 1, 1970.]

CHAPTER 223.

AN ACT RELATIVE TO DISCRIMINATION IN HOUSING.

Be it Enacted by the Senate and House of Representatives in General Court convened:

223:1 Definitions. Amend RSA 354-A:3 (10), as inserted by 1965, 297:1, by striking out said paragraph and inserting in place thereof the following paragraph: (10) The term "dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

223:2 Unlawful Discriminatory Practices. Amend RSA 354-A:8 V, as inserted by 1965, 297:1 by striking out said paragraph and inserting in place thereof the following paragraph: V. For any person, being the owner, lessee, sublessee, assignee, managing agent or other person having the right to rent or lease a dwelling or being in the business of selling or renting dwellings; (a) to refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, or national origin; (b) to discriminate against any person in the terms, conditions, or privilege of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion or national origin; (c) to make, print or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin, or an intention to make any such preference, limitation, or discrimination; (d) to represent to any person because of race, color, religion, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

Nothing herein contained shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, from limiting admission to or giving preference to persons of the same religion or denomination or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained.

The provisions of this paragraph shall not apply (1) to the sale or rental of any single-family house sold or rented by the owner, if such owner does not own more than three such single-family houses at any one time, if such house is sold or rented (a) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person, and (b) without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of subparagraph 8 V (c) above; but nothing in this paragraph shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title; or (2) to the rental of a housing accommodation in a building which contains housing accommodations for not more than three families living independently of each other, if the owner or members of his family reside in one of such housing accommodations; or (3) to the rental of a room or rooms in a housing accommodation if such rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and he or members of his family reside in such housing accommodation.

For purposes of this paragraph, a person shall be deemed to be in the business of selling or renting dwellings if: (1) he has, within the preceding twelve months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein, or (2) he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or (3) he is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

223:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 11, 1969.]

[Effective date August 10, 1969.]

CHAPTER 224.**AN ACT RATIFYING THE NEW ENGLAND STATE POLICE COMPACT.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

224:1 New Chapter. Amend RSA by inserting after chapter 106-C as inserted by 1967, 431:1 the following new chapter:

Chapter 106-D**New England State Police Compact**

106-D:1 Compact Ratified. The general court of this state hereby ratifies the following compact to become effective at such time as the legislative bodies of any three of the eligible states also ratify it.

New England State Police Compact**Article I. Purposes**

The purposes of this compact are to:

A. Provide close and effective cooperation and assistance in detecting and apprehending those engaged in organized criminal activities.

B. Establish and maintain a central criminal intelligence bureau to gather, evaluate and disseminate to the appropriate law enforcement officers of the party state information concerning organized crime, its leaders and their associates;

C. Provide mutual aid and assistance in the event of police emergencies, and to provide for the powers, duties, rights, privileges and immunities of police personnel when rendering such aid.

Article II. Entry into Force and Withdrawal

A. This compact shall enter into force when enacted into law by any three of the states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont. Thereafter, this compact shall become effective as to any other of the aforementioned states upon its enactment thereof.

B. Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal, and any records, files, or information obtained by officers or employees of a withdrawing state shall continue to be kept, used, and disposed of only in such manner as is consistent with this compact and any rules or regulations pursuant thereto.

Article III. The Conference

A. There is hereby established the "New England State Police Administrators' Conference," hereinafter called the "conference", to be composed of the administrative head of the state police department of each party state.

B. If authorized by the laws of his party state, the administrative head of the state police department of a party state may provide for the discharge of his duties and the performance of his functions on the conference, for periods none of which shall exceed fifteen days, by an alternate. No such alternate shall be entitled to serve unless notification of his identity and appointment shall have been given to the conference in such form as the conference may require.

C. An alternate serving pursuant to subdivision (B) of this article shall be selected only from among the officers and employees of the state police department, the head of which such alternate is to represent.

D. The members of the conference shall be entitled to one vote each. No action of the conference shall be binding unless taken at a meeting at which a majority of the total number of votes on the conference are cast in favor thereof. Action of the conference shall be only at a meeting at which a majority of the members of the conference, or their alternates, are present.

E. The conference shall have a seal.

F. The conference shall elect annually, from among its members, a chairman, (who shall not be eligible to succeed himself) a vice chairman, and a treasurer. The conference shall appoint an executive secretary and fix his duties and compensation. Such executive secretary shall serve at the pleasure of the conference, and together with the treasurer shall be bonded in such amount as the conference shall determine. The executive secretary also shall serve as general secretary of the conference.

G. Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive secretary subject to the direction of the conference, shall appoint, remove or discharge such personnel as may be necessary for the performance of the conference functions, and shall fix the duties and compensation of such personnel.

H. The conference may establish and maintain independently or in conjunction with any one or more of the party states, a suitable retirement system for its full time employees. Employees of the conference shall be eligible for social security coverage in respect of old age and survivor's insurance provided that the conference takes such steps as may be necessary pursuant to the laws of the United States, to participate in such program of insurance as a governmental agency or unit. The conference may establish and maintain or participate in such additional programs of employee benefits as may be appropriate. Employment by the conference of a retired officer or employee of a party state shall not affect the pension or other retirement-connected benefits paid to such officer or employee by a party state.

I. The conference may borrow, accept or contract for the services of personnel from any party state, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party states or their subdivisions.

J. The conference may accept for any of its purposes and functions under this compact any and all donations, grants of money, equipment,

supplies, materials, and services, conditional or otherwise, from any state, the United States, or any governmental agency, or from any person, firm or corporation, and may receive, utilize and dispose of the same. The conference shall publish in its annual report the terms, conditions, character, and amount of any resources accepted by it pursuant hereto together with the identity of the donor.

K. The conference may establish and maintain such facilities as may be necessary for the transacting of its business. The conference may acquire, hold, and convey real and personal property and any interest therein.

L. The conference shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The conference shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states. The bylaws shall provide for appropriate notice to the conference members of all conference meetings.

M. The conference annually shall make to the governor and legislature of each party state a report covering the activities of the conference for the preceding year, and embodying such recommendations as may have been issued by the conference. The conference may make such additional reports as it may deem desirable.

Article IV. Conference Powers

The conference shall have power to:

A. Establish and operate a New England Criminal Intelligence Bureau, hereinafter called "the bureau", in which shall be received, assembled and kept case histories, records, data, personal dossiers, and other information concerning persons engaged or otherwise associated with organized crime.

B. Consider and recommend means of identifying leaders and emerging leaders of organized crime and their associates.

C. Facilitate mutual assistance among the state police of the party states pursuant to Article VII of this compact.

D. Formulate procedures for claims and reimbursements, pursuant to Article VII of this compact.

E. Promote cooperation in law enforcement and make recommendations to the party states and other appropriate law enforcement authorities for the improvement of such cooperation.

F. Do all things which may be necessary and incidental to the exercise of the foregoing powers.

Article V. Disposition of Records and Information

The bureau established and operated pursuant to Article IV A of this compact is hereby designated and recognized as the instrument for the performance of a central criminal intelligence service to the state police departments of the party states. The files, records, data and other information of the bureau and, when made pursuant to the bylaws of the conference, any copies thereof shall be available only to duly designated officers and

employees of the state police departments of the party states acting within the scope of their official duty. In the possession of the aforesaid officers and employees, such records, data and other information shall be subject to use and disposition in the same manner and pursuant to the same laws, rules and regulations applicable to similar records, data, and information of the officer's or employee's agency and the provision of this compact.

Article VI. Additional Meetings and Services

The members of the conference from any two or more party states, upon notice to the chairman as to the time and purpose of the meeting, may meet as a section for the discussion of problems common to their states. Any two or more party states may designate the conference as a joint agency to maintain 'for them' such additional common services as they may deem desirable for combating organized crime.

Except in those cases where all party states join in such designation for common services, the representative of any group of such designating states in the conference shall constitute a separate section of such conference for the performance of the common service or services so designated provided that, if any additional expense is involved, the state so acting shall provide the necessary funds for this purpose. The creation of such a section or joint agency shall not affect the privileges, powers, responsibilities or duties of the states participating therein as embodied in the other articles of this compact.

Article VII. Mutual Aid

A. As used in this Article:

1. "Emergency" means an occurrence or condition, temporary in nature, in which the state police department of a party state is, or may reasonably be expected to be, unable to cope with substantial and imminent danger to the public safety, and in which the cooperation of or aid from local police forces within the state is, or may reasonably be expected to be insufficient. Also "emergency" shall mean a situation in which an investigation of an aspect of organized crime, or events connected with organized crime require augmentation, for a limited time, of the investigative personnel of the state police department from without the state.

2. "Requesting state" means the state whose state police department requests assistance in coping with an emergency.

3. "Responding state" means the state furnishing aid, or requested to furnish aid, pursuant to this Article.

B. In case of emergency, upon the request of the administrative head of the state police department of a party state, the administrative head of the state police department of each responding state, shall order such part of his state police forces as he, in his discretion, may find necessary, to aid the state police forces of the requesting state in order to carry out the purposes set forth in this compact. In such case, it shall be the duty of the administrative head of the state police department of each responding state to issue the necessary orders for such use of state police forces of his state without the borders of his state, and to direct such forces to place

themselves under the operational control of the administrative head of the state police department of the requesting state.

C. The administrative head of the state police department of any party state, in his discretion, may withhold or recall the police forces of his state or any part or any member thereof, serving without its borders.

D. Whenever any of the state police forces of any party state are engaged outside their own state in carrying out the purposes of this compact, the individual members so engaged shall have the same powers, duties, rights, privileges and immunities as members of the state police department of the state in which they are engaged, but in any event, a requesting state shall save harmless any member of a responding state police department serving within its borders for any act or acts done by him in the performance of his duty while engaged in carrying out the purposes of this compact.

E. All liability that may arise under the laws of the requesting state or under the laws of the responding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

F. Any responding state rendering aid pursuant to this compact shall be reimbursed by the requesting state for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of materials, transportation and maintenance of state police personnel and equipment incurred in connection with such request: provided, that nothing herein contained shall prevent any responding state from assuming such loss, damage, expenses or other cost.

G. Each party state shall provide, in the same amounts and manner as if they were on duty within their state, for the pay and allowances of the personnel of its state police department while engaged without the state pursuant to this compact and while going to and returning from such duty pursuant to this compact.

H. Each party state providing for the payment of compensation and death benefits to injured members and the representatives of deceased members of its state police department in case such members sustain injuries or are killed within their own state, shall provide for the payment of compensation and death benefits in the same manner and on the same terms in case such members sustain injury or are killed while rendering aid pursuant to this compact.

Article VIII. Finance

A. The conference shall submit to the governor or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that party state for presentation to the legislature thereof.

B. Each of the conference's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. The total amount of appropriations under any such budget shall be apportioned among the party states as follows: One-third in equal shares; one-third divided among the party states

in the proportions that their population bear to the total population of all the party states; and one-third divided among the party states in the proportions that the major crimes committed in each party state bear to the total number of major crimes committed in all the party states. In determining population pursuant to this paragraph, the most recent decennial census compiled by the United States Government shall be used. Numbers of major crimes shall be as reported in the most recent annual "Uniform Crime Report" compiled by the Federal Bureau of Investigation of the United States Department of Justice, or by any agency which may assume responsibility for such compilation in the place of such bureau. In the event that any source of information required to be used for the purpose of this paragraph shall be discontinued, the conference shall make its calculations on the basis of the best alternative sources of information and shall identify the sources used.

C. The conference shall not pledge the credit of any party state. The conference may meet any of its obligations in whole or in part with funds available to it under Article III J of this compact, provided that the conference takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the conference makes use of funds available to it under Article III J hereof, the conference shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

D. The conference shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the conference shall be subject to the audit and accounting procedures established under its rules. However, all receipts and disbursements of funds handled by the conference shall be audited yearly by a qualified, public accountant and the report of the audit shall be included in and become part of the annual report of the conference.

E. The accounts of the conference shall be open at any reasonable time for inspection by duly constituted officers of the party states and any persons authorized by the conference.

F. Nothing contained herein shall be construed to prevent conference compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the conference.

Article IX. Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the Constitution of any state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating herein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

106-D:2 Director, Division of State Police. For the purposes of this act, the director of the division of state police shall be this state's representative to the conference.

106-D:3 Powers of Director. The director shall not request aid from without the state, pursuant to Article VII B of the compact, until he has received the concurrence of the governor in such request. The governor, in his discretion, may withhold or recall the police forces of this state or any part or any member thereof, serving without its borders.

106-D:4 Alternate to Conference. The director is authorized to designate an alternate to serve in his place and stead on the conference as permitted by Article III B - C of the compact. However, it is the intention of the legislature that the director shall attend and participate in the work of the conference in person to the maximum extent practicable.

106-D:5 Retirement System. The New England State Police Conference may, by resolution legally adopted in form approved by the board of trustees of the New Hampshire retirement system, elect to have its New Hampshire officers and employees become eligible to participate in the said retirement system. After such election, said conference shall be known as an employer for the purposes of RSA 100-A. The board of trustees of the New Hampshire retirement system shall set a date when the participation of the officers and employees of the conference shall become effective, and then such officers and employees may become members of the said retirement system and participate therein.

106-D:6 Membership Retirements. Membership in the New Hampshire retirement system shall be optional for the New Hampshire officers and employees of said conference who are in its service on the date when participation becomes effective and any such officer or employee who elects to join said system shall be entitled to a prior service certificate covering such periods of previous service rendered to such conference or the state for which the conference is willing to make accrued liability contributions. Membership shall be compulsory for all New Hampshire employees entering the service of the conference after the date participation becomes effective.

106-D:7 Reports. The chief fiscal officer of the conference shall submit to the board of trustees such information and shall cause to be performed, with respect to the New Hampshire employees of said conference who are members of said retirement system, such duties as shall be prescribed by the board of trustees in order to carry out the provisions of the state employees' retirement system.

106-D:8 Repeal of Compact. Renunciation, within the meaning of Article II of the compact shall be accomplished by act of the legislature repealing the compact and by notice in accordance with said article. In the event of such an act of repeal, the governor shall send the necessary notice to the other party states.

224:2 Effective Date. This act shall take effect upon passage.

[Approved June 11, 1969.]

[Effective date June 11, 1969.]

CHAPTER 225.

AN ACT TO APPLY A RULE OF COMPARATIVE NEGLIGENCE IN TORT CASES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

225:1 Rule Applied. Amend RSA 507 by inserting after section 7 the following new section: 507:7-a Comparative Negligence. Contributory negligence shall not bar recovery in an action by any plaintiff, or his legal representative, to recover damages for negligence resulting in death, personal injury, or property damage, if such negligence was not greater than the causal negligence of the defendant, but the damages awarded shall be diminished, by general verdict, in proportion to the amount of negligence attributed to the plaintiff; provided that where recovery is allowed against more than one defendant, each such defendant shall be liable for that proportion of the total dollar amount awarded as damages in the ratio of the amount of his causal negligence to the amount of causal negligence attributed to all defendants against whom recovery is allowed.

225:2 Repeal of Contrary Rule. RSA 507:8, relating to contributory negligence as a defense, is hereby repealed.

225:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 13, 1969.]

[Effective date August 12, 1969.]

CHAPTER 226.AN ACT ALLOWING THE STATE BOARD OF EXAMINERS TO SET THE
RENEWAL FEES FOR PSYCHOLOGISTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

226:1 Psychologists; Renewal Fees. Amend RSA 330-A:17 as inserted by 1957, 121:1 by striking out in line eight the words "of five dollars" and inserting in place thereof the following (as set by the board, provided that said fee shall not exceed twenty dollars) so that said section as amended shall read as follows: 330-A:17 **Expirations and Renewals.** Certificates of registration shall expire each year on June 30 and shall become invalid on that date unless renewed. It shall be the duty of the secretary of the board to notify every person registered under this act of the date of the expiration of his certificate and the amount of the fee that shall be required for its renewal for one year; such notice shall be mailed at least one month in advance of the date of expiration of such certificate. Renewal may be effected by the payment of a fee as set by the board, provided that said fee shall not exceed twenty dollars.

226:2 Effective Date. This act shall take effect upon its passage.

[Approved June 13, 1969.]

[Effective date June 13, 1969.]

CHAPTER 227.

AN ACT RELATIVE TO ORGANIZED TIME TRIALS FOR MOTOR VEHICLES ON ROADS IN
ROLLINS STATE PARK AT KEARSARGE MOUNTAIN.

Be it Enacted by the Senate and House of Representatives in General Court convened:

227:1 Organized Time Trials for Motor Vehicles. Amend RSA 263 by inserting after section 59 the following new section: 263:59-a **Rollins State Park.** Notwithstanding the provisions of section 59 to the contrary, time trials of motor vehicles may be held on the roads in Rollins State Park at Kearsarge Mountain under the following conditions:

I. Trials shall be allowed only at such times as the park is closed to the public.

II. The director of parks may issue permits for holding such trials only to recognized sports car clubs duly registered in the office of the secretary of state.

III. The director of parks may establish rules and regulations for said trials and fix the fees to be paid for each weekend trial.

IV. The sponsoring club must provide radio coverage on the course and at intermediate check points.

V. The operators of said motor vehicles shall be required to carry insurance coverage at limits established by the director.

VI. No alcoholic beverages shall be allowed to be possessed at said trial course.

227:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 13, 1969.]

[Effective date August 12, 1969.]

CHAPTER 228.

AN ACT TO ALLOW THE TRUSTEES OF THE RETIREMENT SYSTEM TO ADJUST DISABILITY
INCOME IN THE STATE EMPLOYEES RETIREMENT SYSTEM AND IN
THE NEW HAMPSHIRE RETIREMENT SYSTEM.

Be it Enacted by the Senate and House of Representatives in General Court convened:

228:1 New Hampshire Retirement System. Amend RSA 100-A:6, III (b) (supp) as inserted by 1967, 134:1 by striking out in line four and in line six the word "shall" and inserting in place thereof the word (may) so that said subparagraph as amended shall read as follows: (b) If the board of trustees finds that any disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation at retirement, then his state annuity may be reduced to an amount which, together with

his member annuity and the amount earnable by him, may equal his average final compensation at retirement. If his earning capacity is later changed, his state annuity may be modified; provided that the new state annuity shall not exceed the amount of the state annuity originally granted nor an amount which, when added to the amount earnable by him, together with his member annuity, equals his average final compensation at retirement.

228:2 State Employees Retirement System. Amend RSA 100:7, VI by striking out said paragraph and inserting in place thereof the following: VI. If the board of trustees finds that any disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation at retirement, then his state annuity may be reduced to such amount as is just and equitable under all the circumstances. If his earning capacity is later changed, his state annuity may be further modified; provided that the new state annuity shall not exceed the amount of the state annuity originally granted.

228:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 13, 1969.]

[Effective date August 12, 1969.]

CHAPTER 229.

AN ACT CREATING THE POSITION OF DIRECTOR IN THE STATE VETERANS COUNCIL.

Be it Enacted by the Senate and House of Representatives in General Court convened:

229:1 State Veterans Service Officer. Amend RSA 115:4 by striking out in lines two and three the words "state veterans service officer" and inserting in place thereof the following (director of the veterans council) so that said section as amended shall read as follows: **115:4 Director of Veterans Council.** Said council shall, with the approval of the governor and council, appoint a director of the veterans council, who shall be an honorably discharged veteran of a war in which the United States was engaged. He shall serve during the pleasure of the council and shall perform such duties as the council shall determine.

229:2 Salary of Director. Amend RSA 115:5 by striking out in line one the word "officer" and inserting in place thereof the following (director) so that said section as amended shall read as follows: **115:5 — Salary.** The annual salary of such director shall be that prescribed by RSA 94:1-4.

229:3 Effective Date. This act shall take effect upon its passage.

[Approved June 13, 1969.]

[Effective date June 13, 1969.]

CHAPTER 230.

AN ACT RELATIVE TO THE OPEN SEASON ON FISHER IN ROCKINGHAM, STRAFFORD,
CARROLL, MERRIMACK AND BELKNAP COUNTIES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

230:1 Open Season on Fisher. Amend RSA 210:3-a (supp) as inserted by 1965, 271:1 and amended by 1967, 441:1 by striking out said section and inserting in place thereof the following so that said section as amended shall read as follows: **210:3-a Open Season.** There shall be no open season for fisher, except that fisher may be taken and possessed from November first to November thirtieth with the aid of and by the use of dog and gun and/or traps in the counties of Merrimack and Belknap, and from November first to March thirty-first in the counties of Strafford, Rockingham and Carroll. Whoever violates the provisions of this section shall be fined not less than ten dollars for the first and not more than fifty dollars for each additional fisher taken and possessed in violation hereof.

230:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 13, 1969.]

[Effective date August 12, 1969.]

CHAPTER 231.

AN ACT RELATIVE TO THE DISPOSITION OF CERTAIN MUNICIPAL RECORDS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

231:1 Public Utility and Other Highway Licenses. Amend RSA 33-A:4, IV (d), as inserted by 1967, 105:1, by striking out said subparagraph and inserting in place thereof the following new subparagraph:

(d) 1 Public utility and other highway licenses Permanent Microfilm

2 All other licenses 3 years Destroy

231:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 13, 1969.]

[Effective date August 12, 1969.]

CHAPTER 232.

AN ACT RELATIVE TO REGULATIONS TO ENABLE VOTERS OUTSIDE THE
UNITED STATES TO REGISTER.

Be it Enacted by the Senate and House of Representatives in General Court convened:

232:1 Registration. Amend the introductory paragraph of RSA 55:25 (supp) as inserted by 1967, 271:1 by striking out in line two the word "ninety" and inserting in place thereof the word (forty-five) so that said introductory paragraph shall read as follows: Any such person may, not later than forty-five days prior to such election, apply to the secretary of state for an absentee registration affidavit. Such affidavit shall be prepared by the secretary of state, and shall be in substantially the following form:

232:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 13, 1969.]

[Effective date August 12, 1969.]

CHAPTER 233.

AN ACT RELATIVE TO THE PRACTICE OF MEDICINE BY ALIENS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

233:1 Temporary License; Aliens. Amend RSA 329:15 by striking out said section and inserting in place thereof the following new section: **329:15 Temporary License; Aliens.** Any applicant, not a citizen of the United States or Canada, who is otherwise qualified for licensure, shall be granted a temporary license, valid for a period not to exceed five years. This temporary license shall be granted only after the physician has furnished proof that he is committed to the establishment of practice in New Hampshire. The board shall issue a permanent license to the holder of a temporary license if and when said holder becomes a citizen of the United States and submits proof that he has practiced the profession of medicine continuously in this state since obtaining his temporary license.

233:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 13, 1969.]

[Effective date August 12, 1969.]

CHAPTER 234.

AN ACT RELATIVE TO AUDITS AND EXCLUSIVE CIVIL JURISDICTION OF DISTRICT COURTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

234:1 District Courts. Amend RSA 502-A as inserted by 1963, 331:1 by inserting after section 9 the following new section: **502-A:9-a Audits.** The records and accounts of the district courts shall be audited annually by a competent accountant appointed by the municipality in which the dis-

strict court is located. The administrative committee of the district and municipal courts shall supervise the annual audits. The cost of the annual audits shall be paid by the municipality. If the municipality fails to provide an annual audit the justice of a district court after consultation with the administrative committee shall have an audit made and the cost of same shall be paid out of court funds. Copies of all audits required hereunder shall be filed with the administrative committee and any deficiencies noted shall be brought to the attention of the justice of the district court by said committee. Where the report indicates a shortage of funds or other violation of the law, the matters may be referred to the county attorney for appropriate action. The audit reports shall include a summary of the annual receipts and disbursements by the court and indicate, in the form of a questionnaire completed by the auditor, whether or not the basic court records are being properly maintained. In addition the auditor will make comments and recommendations with respect to matters of special concern, which include a statement of the total number of criminal, civil, small claim and juvenile cases, the prompt deposit of all funds received in amounts corresponding to receipts, the prompt docketing of all complaints filed and prompt completion of entries in the dockets and cash books and the disbursement of funds to the proper agency of government by the fifth of each month. A report shall also be made when clerks fail to reconcile their accounts, total the receipt book monthly and reconcile the balance with the bank statement. If an audit other than the annual audit is required the administrative committee may conduct such an audit, the cost of which shall be paid from court funds of the court so audited.

234:2 Municipal Courts. Amend RSA 502 by inserting after section 502:15-b the following new section: **502:15-c Audits.** The records and accounts of the municipal courts shall be audited annually by a competent accountant appointed by the municipality in which the municipal court is located. The administrative committee of the district and municipal court shall supervise the annual audits. The cost of the annual audits shall be paid by the municipality. If the municipality fails to provide an annual audit the justice of a municipal court after consultation with the administrative committee shall have an audit made and the cost of same shall be paid out of court funds. Copies of all audits required hereunder shall be filed with the administrative committee and any deficiencies noted shall be brought to the attention of the justice of the municipal court by said committee. Where the report indicates a shortage of funds or other violation of the law, the matters may be referred to the county attorney for appropriate action. The audit reports shall include a summary of the annual receipts and disbursements by the court and indicate, in the form of a questionnaire completed by the auditor, whether or not the basic court records are being properly maintained. In addition the auditor will make comments and recommendations with respect to matters of special concern, which include a statement of the total number of criminal, civil, small claim and juvenile cases, the prompt deposit of all funds received in amounts corresponding to receipts, the prompt docketing of all complaints filed and proper completion of entries in the dockets and cash books and the disbursement of funds to the proper agency or government by the fifth or each month. A report shall also be made when clerks fail to reconcile their

accounts, total the receipt book monthly and reconcile the balance with the bank statement. If an audit other than the annual audit is required the administrative committee may conduct such an audit, the cost of which shall be paid from court funds of the court so audited.

234:3 Civil Causes. Amend RSA 502-A:14, I, as inserted by 1963, 331:1, and amended by 1965, 327:1, and 1967, 438:2, by inserting in line one after the word "Nashua" the following (Goffstown, Milford, Peterborough) and by inserting in line two after the word "Portsmouth" the following (Exeter, Derry, Salem) and by inserting after the words "and the" in line five the words (plaintiff or) so that said paragraph as amended shall read as follows:

I. Exclusive Jurisdiction. Manchester, Nashua, Goffstown, Milford, Peterborough, Concord, Keene, Laconia, Hampton, Portsmouth, Exeter, Derry, Salem and Dover district courts shall have original and exclusive jurisdiction of civil cases in which the damages claimed do not exceed five hundred dollars, the title to real estate is not involved and the plaintiff or defendant resides within the district. In all such actions as herein provided the parties shall be heard by the justice or special justice and the findings of fact shall be final but questions of law may be transferred to the supreme court in the same manner as from the superior court. In addition, each such court shall have concurrent jurisdiction with the superior court of civil actions for damages in which the damages claimed exceed five hundred dollars but do not exceed fifteen hundred dollars with the powers conferred upon other district courts in the exercise of concurrent jurisdiction with the superior court by paragraphs II and III hereof.

234:4 Actions for Damages. Amend RSA 502-A:14, II as inserted by 1963, 331:1 and amended by 1965, 327:1, by striking out the words "and the" in line three and inserting in place thereof the words (the title to real estate is not involved and the plaintiff or) so the paragraph as amended will read as follows: II. Concurrent Jurisdiction. All district courts shall have concurrent jurisdiction with the superior court of civil actions for damages in which the damages claimed do not exceed fifteen hundred dollars, the title to real estate is not involved and the plaintiff or defendant resides within the district where such court is located. In all such actions unless trial by jury is claimed as hereinafter provided, the parties shall be heard by the justice or special justice and the findings of fact shall be final but questions of law may be transferred to the supreme court in the same manner as from the superior court.

234:5 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 13, 1969.]

[Effective date August 12, 1969.]

CHAPTER 235.

AN ACT TO ALLOW THE COURT TO APPOINT A GUARDIAN AD LITEM TO PROTECT THE INTERESTS OF CHILDREN IN DIVORCE AND SEPARATION PROCEEDINGS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

235:1 Guardian ad Litem. Amend RSA 458 by inserting after section 17 the following new section: 458:17-a **Guardian ad Litem.** In all proceedings for divorce, nullity, or legal separation, the court may appoint a guardian ad litem to represent the interests of the children of the marriage. Said guardian ad litem may continue to serve after the final decree has been granted.

235:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 13, 1969.]

[Effective date August 12, 1969.]

CHAPTER 236.

AN ACT RELATIVE TO FAIR HEARINGS IN PROGRAMS OF THE DIVISION OF WELFARE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

236:1 Board of Appeals. Amend RSA 126-A:9-a (supp) as inserted by 1965, 352:5 and amended by 1967, 122:1 by striking out said section and inserting in place thereof the following: **126-A:9-a Board of Appeals.** From within its membership the advisory commission shall appoint four members to act as a board of appeals. Any two members so appointed may act as the board of appeals and shall have all of the powers and duties of the board of appeals under this section. The term of office of such member of such board of appeals shall be co-extensive with his term as a member of the commission. It shall be the duty of the board of appeals to conduct fair hearings on appeals in connection with any programs of the division of welfare. When a member of the advisory commission is appointed to act as a member of the board of appeals he shall be paid twenty dollars a day for each day he is engaged in official duties as a member of said board of appeals. He shall also be entitled to reimbursement for expenses, including mileage. Payment for such per diem and expenses for the board of appeals shall be a charge upon the appropriation for the department of health and welfare.

236:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 13, 1969.]

[Effective date August 12, 1969.]

CHAPTER 237.

AN ACT INCREASING THE SALARY OF CHESHIRE COUNTY COMMISSIONERS AND EMPOWERING THE CHESHIRE COUNTY CONVENTION TO SET THE SALARIES OF CERTAIN COUNTY OFFICERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

237:1 Cheshire County Attorney. Amend RSA 7 by inserting after section 35 (supp) the following new section: **7:35-a Cheshire County Attorney.** The annual salary of the Cheshire county attorney shall be established by the Cheshire county convention prior to each biennial primary election at a rate of not less than seventy-five hundred dollars and shall become effective on January 1 following said election.

237:2 Cheshire County Treasurer. Amend RSA 29 by inserting after section 14 (supp) the following new section: **29:14-a Cheshire County Treasurer.** The annual salary of the Cheshire county treasurer shall be established by the Cheshire county convention prior to each biennial primary election at a rate of not less than four hundred dollars and shall become effective on January 1 following said election.

237:3 Cheshire County Commissioners. Amend RSA 28 by inserting after section 28 (supp) the following new section: **28:28-a Cheshire County Commissioners.** The annual salary of the Cheshire county commissioners shall be established by the Cheshire county convention prior to each biennial primary election at a rate of not less than three thousand dollars and shall become effective on January 1 following said election.

237:4 Cheshire County Sheriff. Amend RSA 104:29, IV (supp) as inserted by 1965, 190:1 by inserting in line one after the word "be" the words (set by the Cheshire county convention at a rate of not less than) so that said paragraph as amended shall read as follows: IV. In Cheshire the annual salary of the sheriff shall be set by the Cheshire county convention at a rate of not less than nine thousand five hundred dollars which shall be paid monthly. Said salary shall be payment in full for all his services to the county. The county shall provide him with suitable transportation and he shall not be allowed the established rates for mileage allowable to other sheriffs. He shall be allowed reasonable expenses incurred during the performance of his duties and such expenses shall be subject to the approval of a justice of the superior court. For the service of civil writs and other process which he may perform he shall collect the usual fees allowed for such services and mileage and shall pay over directly to the county treasurer all such fees and mileage charges at the end of each month. He shall in his annual report to the county commissioners report the number of civil writs and other process served and the total amounts collected in fees and mileage charges paid over to the treasurer during the calendar year.

237:5 Salary Increased. Amend RSA 28:28, III (supp) as inserted by 1969, 30:3 by striking out said paragraph and inserting in place thereof the following: III. In Cheshire, three thousand dollars.

237:6 Repeal.

I. RSA 7:35, III (supp) as inserted by 1969, 30:1 and amended by 1969, 170:1, relative to the salary of the Cheshire county attorney is hereby repealed.

II. RSA 29:14, III (supp) as inserted by 1969, 30:2 relative to the salary of the Cheshire county treasurer is hereby repealed.

III. RSA 28:28, III (supp) as inserted by 1969, 30:3 relative to the salary of the Cheshire county commissioners is hereby repealed.

237:7 Effective Date. Section 6 of this act shall take effect January 1, 1971 and the remainder of this act shall take effect sixty days after its passage.

[Approved June 13, 1969.]

[Effective date section 6 effective January 1, 1971, remainder of act shall take effect August 12, 1969.]

CHAPTER 238.

AN ACT RELATIVE TO AN EARLY DISCHARGE OF PAROLED PRISONER FOR GOOD CONDUCT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

238:1 Good Conduct. Amend RSA 607 by inserting after section 45 the following new section: 607:45-a **Early Discharge for Good Conduct.** Whenever the board of parole finds that the parolee is no longer in need of supervision because of his good conduct it may issue to him a certificate of discharge.

238:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 13, 1969.]

[Effective date August 12, 1969.]

CHAPTER 239.

AN ACT RELATIVE TO THE CONTROL OF DOGS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

239:1 Dogs a Menace; Nuisance. Amend RSA 466:31 as amended by 1957, 148:1; and 1967, 294:1 by striking out said section and inserting in place thereof the following new section:

466:31 Dogs a Menace, a Nuisance, or Vicious.

I. Any person who considers a dog to be a nuisance, a menace or vicious to persons, to property or to other animals may make a complaint to any law enforcement officer, conservation officer, or a selectmen of the town or city in which such a dog is kept. Such officer or selectman shall

within three days after receipt of such complaint, investigate the facts and circumstances of the case, and if the complaint is sustained shall forthwith order the owner, keeper or person who harbors such dog to abate the nuisance or menace. Service of such order shall be made upon the owner, keeper or person who harbors such dog by causing a certified copy of such order to be delivered to him, or by registered mail to his last known place of abode. Any owner, keeper or person who harbors such dog upon whom notice of such order has been served, may, within ten days bring a petition to the municipal or district court for the town or city, as the case may be, praying that the order be reviewed by the court. After notice to the investigating officers and the person or persons making the complaint, and upon hearing, the court shall affirm, modify or dismiss such order as justice may require. During the pendency of such action and the order of the justice of the court, the owner, keeper or person who harbors such dog shall restrain such dog from running at large at all times.

II. Under this section, a dog is considered to be a nuisance, a menace, or vicious to persons or property under any, or all but not limited to the following conditions:

- (a) If it barks continuously for sustained periods of time,
- (b) if it barks during the night hours so as to disturb the peace and quiet of a neighborhood or area,
- (c) while it runs at large on the streets or public property or property other than its owner's, it turns over garbage cans, waste containers or otherwise causes waste or garbage to be scattered on property other than its owner's,
- (d) while it runs at large it barks, growls, snaps at, bites, runs after or chases any person or persons,
- (e) while it runs at large, it barks at, runs after or chases bicycles, motor vehicles, motorcycles, or other vehicles being driven, pulled, or pushed on the streets, highways or public ways,
- (f) while it runs at large, whether alone or in a pack with other dogs, it runs after, chases, or preys on game animals, domestic animals, fowl or human beings,
- (g) while it runs at large, it digs, scratches, or excretes on any property other than its owner's,
- (h) while in heat is unconfined (confinement shall mean within an enclosed building — not accessible to any other dog).

III. Any person who fails, by appropriate action including but not limited to restraining an animal from running at large, muzzling such animal or otherwise effectively abating a nuisance found such under the provisions of this section, or who fails to comply with any other provisions of this section after being so ordered, shall be fined not more than fifty dollars, the dog taken into custody by the police or constable of the city or town, and such disposition made of the dog as the court may order.

239:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 13, 1969.]

[Effective date August 12, 1969.]

CHAPTER 240.**AN ACT RELATIVE TO SENTENCES TO THE INDUSTRIAL SCHOOL.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

240:1 Sentence to Industrial School. Amend RSA 621:11 (supp) as amended by 1957, 71:1, 1963, 213:1 and 1965, 256:7 by striking out in lines three, four and five the words "the term of his minority, except where said minor is found guilty by the superior court under the provisions of RSA 169:21" and inserting in place thereof the words (a term not exceeding the term of imprisonment provided for said offense) so that said section as amended shall read as follows: **621:11 Minors Under Seventeen.** Whenever a minor under the age of seventeen years shall be convicted of an offense punishable by imprisonment he may be sentenced to the industrial school for a term not exceeding the term of imprisonment provided for said offense; provided that nothing shall prevent such sentence being suspended under the provisions of any other law. Pending final disposition of a case by a municipal or district court the minor may be retained in the custody of the person in charge of the minor, or in the custody of a probation officer, provided however, that if the court places such minor in the custody of the industrial school, final disposition of his case shall be made within thirty days of such commitment and provided further, that where the minor has committed a felony, the municipal or district court may commit said minor to the custody of the probation officer or require that sureties be furnished for his appearance before the superior court, or in default thereof be committed to the industrial school to await disposition of the case by said superior court.

240:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 13, 1969.]

[Effective date August 12, 1969.]

CHAPTER 241.**AN ACT RELATIVE TO INVESTMENT BY DOMESTIC INSURANCE COMPANIES.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

241:1 Real Estate Mortgages. Amend RSA 411:15, II (a) by striking out in line six the words "sixty-six and two-thirds" and inserting in place thereof the word (seventy-five) so that said subparagraph as amended shall read as follows: (a) Such loans shall not exceed fifty per cent of the value of the mortgaged property except in the case of loans on property in cities or towns where the mortgage provides for the amortization of the debt during the term of the loan or at a rate of not less than five per cent per annum after the first year, in which case loans shall not exceed seventy-five per cent of the value of the mortgaged property;

241:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 13, 1969.]

[Effective date August 12, 1969.]

CHAPTER 242.

AN ACT RELATIVE TO CONFLICTS OF INTEREST OF PROBATE JUDGES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

242:1 Associates of Probate Judge. Amend RSA 547:13 by striking out said section and inserting in place thereof the following: **547:13 Acting as Counsel.** He shall not act as counsel or advocate in any business in, or which may be brought into any probate court. No attorney shall be permitted to practice before any probate judge who is a partner, associate, employee or employer of said attorney, or is a stockholder in a professional corporation for the practice of law in which said attorney is stockholder.

242:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 13, 1969.]

[Effective date August 12, 1969.]

CHAPTER 243.

AN ACT RELATIVE TO YOUTH EMPLOYMENT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

243:1 New Chapter. Amend RSA by inserting after chapter 276 the following new chapter:

Chapter 276-A Youth Employment Law

276-A:1 Statement of Policy. The legislature of the state of New Hampshire declares that it is the policy of the state to foster the employment of young people while, at the same time, providing the necessary safeguards made necessary by their age.

276-A:2 Title. This chapter shall be entitled the "Youth Employment Law".

276-A:3 Definitions. As used in this chapter:

- I. The term "certificate" shall mean youth employment certificate.
- II. The term "youth" shall mean any person under eighteen years of age.
- III. The term "commissioner" shall mean the labor commissioner.

IV. The term "department" shall mean the labor department.

V. The term "hazardous occupation" shall mean employment so determined by the Children's Bureau of the United States Department of Labor pursuant to the provisions of the Fair Labor Standards Act, or on determination by the commissioner after all parties have been given an opportunity to be heard thereon.

VI. The term "investigator" shall mean personnel of the department who are authorized to enforce labor laws.

VII. The term "casual work" shall mean employment which is infrequent or of brief duration or productive of little or sporadic income or not commonly held to establish an employer-employee relationship.

VIII. The term "regulation" shall mean the body of administrative rules promulgated by the commissioner, setting forth procedures and prescribing forms by which to carry out the provisions of this chapter.

276-A:4 Prohibitions.

I. No youth shall be employed or permitted to work in any hazardous occupation, except in an apprenticeship, vocational rehabilitation, or training program approved by the commissioner.

II. No youth shall be employed or permitted to work without a certificate except for his parents, grandparents, or guardian or at work defined in this chapter as casual.

III. No youth under sixteen years of age shall be employed or permitted to work in manufacturing, construction, and mining and quarrying occupations, or in woods and logging.

IV. No youth under sixteen years of age shall be employed or permitted to work earlier than seven o'clock a.m. or later than nine o'clock p.m., more than three hours per day on school days and twenty-three hours per week during school weeks, except that on nonschool days he may be employed eight hours per day and, during vacations, forty-eight hours per week. Upon application by an employer who employs a youth under sixteen years of age in agricultural work, the commissioner of labor may order that the restriction upon hours of work imposed by this paragraph be suspended.

V. No youth under twelve years of age may be employed or permitted to work except for his parents, grandparents, or guardian, or at work defined in this chapter as casual, or in the door-to-door delivery of newspapers.

276-A:5 Certificate.

I. Certificates shall be issued by principals of schools or persons authorized by them, except that responsibility for supervision and coordination with the department in matters pertaining to this chapter shall rest upon superintendents of schools.

II. Certificates shall show proof of (1) age, (2) adequate health, except that the certificates of youths sixteen years or older shall show proof of age only.

III. Certificates shall not be issued unless age and adequacy of health has first been verified except as in paragraph I of this section.

IV. Certificates shall not be issued except during vacations or as a result of written parental protest, if employment is deemed to interfere seriously with school work.

V. Copies of certificates shall be kept on file by all employers of youths.

276-A:6 Enforcement. The commissioner shall have the responsibility for enforcing the provisions of this chapter. Investigators and truant officers shall visit and inspect all places of employment and cause the provisions of this chapter to be enforced as directed by the commissioner. For this purpose they shall have the power to serve warrants.

276-A:7 Penalties. Whoever employs a youth or permits him to work in violation of the provisions of this chapter, or any parent, grandparent, or guardian who allows his child or ward to be so employed or to work, shall be fined not more than five hundred dollars, or imprisoned not more than thirty days, or both.

276-A:8 Powers of Commissioner. The commissioner shall promulgate whatever regulations he deems necessary for the administration of this chapter, except that such regulations shall not be inconsistent with any of its provisions. He shall prosecute violations and charge the proper county for the cost of the proceedings.

276-A:9 Limitations. No prosecution pursuant to this chapter shall be undertaken later than one year after the violation has been committed.

276-A:10 Inconsistent Provisions. All prior provisions of law which are inconsistent with any provisions of this chapter shall be held ineffective to the extent of such inconsistency.

243:2 Repeal. RSA 276, as amended, relative to employment of minors is hereby repealed.

243:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 13, 1969.]

[Effective date August 12, 1969.]

CHAPTER 244.

AN ACT RELATIVE TO USE OF INITIAL MOTOR VEHICLE PLATE FUNDS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

244:1 Motor Vehicle Initial Plates. Amend RSA 262:1-a, as inserted by 1957, 292:1 and amended by 1963, 142:1 by striking out said section and inserting in place thereof the following: **262:1-a Traffic Safety Fund.** The proceeds from service fees for initial number plates collected in accordance with RSA 260:10-a, after costs of plates and issuance of same have been appropriated and deducted, shall, subject to budgetary requirements of RSA 9, be expended solely for courses of instruction and training in safe motor vehicle driving conducted in or under the supervision of secondary

schools. Subject to final approval by the governor and council, the director of the division of motor vehicles shall promulgate and publish rules and regulations governing the courses of instruction and training and determining eligibility of secondary schools to receive monies from said initial plate fund.

244:2 Effective Date. This act shall take effect July 1, 1969.

[Approved June 13, 1969.]

[Effective date July 1, 1969.]

CHAPTER 245.

AN ACT RELATIVE TO THE INVESTMENT OF STATE FUNDS BY THE STATE TREASURER.

Be it Enacted by the Senate and House of Representatives in General Court convened:

245:1 Investment in Savings Bank Deposits. Amend RSA 6:8 by inserting in line six after the words "United States" the following (in savings bank deposits of banks incorporated under the laws of the state of New Hampshire) so that said section as amended shall read as follows: **6:8 Investment of Funds.** All funds over which the state has exclusive control, aside from such sums of money as the treasurer may deem necessary to hold or deposit for meeting current expenses, shall be invested by the treasurer, with the approval of the governor and council, in securities of the state, in the notes or bonds of the several counties, cities, and towns thereof, in the scrip or bonds of the United States, in savings bank deposits of banks incorporated under the laws of the state of New Hampshire, or in the notes or bonds of any incorporated district of the state, or of any city of the New England states whose net indebtedness at the time of purchase does not exceed five per cent of the last preceding valuation of the property therein for the assessment of taxes.

245:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 13, 1969.]

[Effective date August 12, 1969.]

CHAPTER 246.

AN ACT RELATIVE TO PAYMENT OF ABATEMENT COSTS IN CERTAIN CASES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

246:1 Change of Fee. Amend RSA 76:16-a (supp) as inserted by 1955, 162:1 and amended by 1965, 29:1 by striking out in line three the word "five" and inserting in place thereof the word (ten) so that the said section as amended shall read as follows: **76:16-a By Tax Commission.** If the select-

men neglect or refuse so to abate, any person aggrieved, having complied with the requirements of chapter 74, upon payment of an application fee of ten dollars, may, within six months after notice of such tax, and not afterwards, apply in writing to the state tax commission, which after due inquiry and investigation shall make such order thereon as justice requires.

246:2 New Section. Amend RSA 76 by inserting after section 16-a (supp) the following new section: **76:16-b Reappraisal by Commercial Firm.** Where a commercial firm has made a reappraisal of taxable real estate of any town or city, said town or city shall pay to the tax commission for a two year period following said reappraisal the reasonable expense of the commission employees, not to exceed the actual cost thereof, for investigations for abatement under the provisions of RSA 16-a. Such reimbursement shall be a credit to the appropriations of the tax commission for further expenditures.

246:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 13, 1969.]

[Effective date August 12, 1969.]

CHAPTER 247.

AN ACT TO ENABLE TOWNS TO ACQUIRE AND PRESERVE HISTORIC SITES AND BUILDINGS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

247:1 Powers of Towns. Amend RSA 31:4 as amended by 1969, 49:1 and 1969, 125:1 by inserting after paragraph XLII (supp) the following new paragraph: XLIII. Historic Sites and Buildings. To acquire, preserve and maintain historic sites and historic buildings within their limits.

247:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 13, 1969.]

[Effective date August 12, 1969.]

CHAPTER 248.

AN ACT RELATIVE TO THE ISSUANCE OF BUILDING PERMITS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

248:1 After Notice of Proposed Changes in Building Code or Zoning Ordinance. Amend RSA 156 by inserting after section 3 the following new section: **156:3-a Building Permits to be Withheld in Certain Cases.** The building inspector shall not issue any building permit after the first legal notice of proposed changes in the building code has been posted pursuant

to the provisions of RSA 156-A:1-a, I, or the first legal notice of proposed changes in the zoning ordinance has been posted pursuant to the provisions of RSA 31:63-a, if the proposed changes in the building code or the zoning ordinance would, if adopted, justify refusal of such a permit. After final action has been taken on the proposed changes in the building code or zoning ordinance, the building inspector shall issue or refuse to issue such a permit which has been held in abeyance pursuant to this section.

248:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 13, 1969.]

[Effective date August 12, 1969.]

CHAPTER 249.

AN ACT RELATIVE TO THE ZONING POWER OF TOWNS AND CITIES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

249:1 Regulation of Lot Sizes. Amend RSA 31:60 by inserting in line four after the word "structures" the following (lot sizes) so that said section as amended shall read as follows: **31:60 Grant of Power.** For the purpose of promoting health, safety, morals, or the general welfare of the community, the legislative body of any city or town is empowered to regulate and restrict the height, number of stories and size of buildings and other structures, lot sizes, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

249:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 13, 1969.]

[Effective date August 12, 1969.]

CHAPTER 250.

AN ACT ENACTING THE NEW HAMPSHIRE-MAINE INTERSTATE SCHOOL COMPACT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

250:1 New Chapter. Amend RSA by inserting after chapter 200-E the following new chapter:

Chapter 200-F

New Hampshire-Maine Interstate School Compact

200-F:1 Compact. The state of New Hampshire enters into the fol-

lowing compact with the state of Maine subject to the terms and conditions therein stated.

New Hampshire-Maine Interstate School Compact

Article I

General Provisions

A. **Statement of Policy.** It is the purpose of this compact to increase the educational opportunities within the states of New Hampshire and Maine by encouraging the formation of interstate school districts which will each be a natural social and economic region with adequate financial resources and a number of pupils sufficient to permit the efficient use of school facilities within the interstate district and to provide improved instruction. The state boards of education of New Hampshire and Maine may formulate and adopt additional standards consistent with this purpose and with these standards; and the formation of any interstate school district and the adoption of its articles of agreement shall be subject to the approval of both state boards as set forth.

B. **Requirement of Congressional Approval.** This compact shall not become effective until approved by the United States Congress.

C. **Definitions.** The terms used in this compact shall be construed as follows, unless a different meaning is clearly apparent from the language or context:

a. **Commissioner.** "Commissioner" shall refer to Commissioner of Education.

b. **Elementary School.** "Elementary school" shall mean a school which includes all grades from kindergarten or grade one through not less than grade 6 nor more than grade 8.

c. **Interstate Board.** "Interstate board" shall refer to the board serving an interstate school district.

d. **Interstate School District.** "Interstate school district" and "interstate district" shall mean a school district composed of one or more school districts located in the State of Maine associated under this compact with one or more school districts located in the state of New Hampshire and may include either the elementary schools, the secondary schools, or both.

e. **Joint Action.** "Joint action" where joint action by both state boards is required, each state board shall deliberate and vote by its own majority, but shall separately reach the same result or take the same action as the other state board.

f. **Maine Board.** "Maine Board" shall refer to the Maine State Board of Education.

g. **Member School District.** "Member school district" and "member district" shall mean a school administrative unit located either in Maine or New Hampshire which is included within the boundaries of a proposed or established interstate school district.

h. **New Hampshire Board.** "New Hampshire board" shall refer to the New Hampshire State Board of Education.

i. **Professional Staff Personnel.** "Professional staff personnel" and "in-

structional staff personnel" shall include superintendents, assistant superintendents, administrative assistants, principals, guidance counselors, special educational personnel, school nurses, therapists, teachers, and other certificated personnel.

j. Secondary School. "Secondary school" shall mean a school which includes all grades beginning no lower than grade 7 and no higher than grade 12.

k. Warrant. "Warrant" or "warning" to mean the same for both states.

Article II

Procedure for Formation of an Interstate School District

A. Creation of Planning Committee. The New Hampshire and Maine commissioners of education shall have the power, acting jointly to constitute and discharge one or more interstate school district planning committees. Each such planning committee shall consist of at least two voters from each of a group of two or more neighboring member districts. One of the representatives from each member district shall be a member of its school board, whose term on the planning committee shall be concurrent with his term as a school board member. The term of each member of a planning committee who is not also a school board member shall expire on June 30th of the third year following his appointment. The existence of any planning committee may be terminated either by vote of a majority of its members or by joint action of the commissioners. In forming and appointing members to an interstate school district planning board, the commissioners shall consider and take into account recommendations and nominations made by school boards of member districts. No member of a planning committee shall be disqualified because he is at the same time a member of another planning board or committee created under this compact or under any other provisions of law. Any existing informal interstate school planning committee may reconstituted as a formal planning committee in accordance with the provisions hereof, and its previous deliberations adopted and ratified by the reorganized formal planning committee. Vacancies on a planning committee shall be filled by the commissioners acting jointly.

B. Operating Procedures of Planning Committee. Each interstate school district planning committee shall meet in the first instance at the call of any member, and shall organize by the election of a chairman and clerk-treasurer, each of whom shall be a resident of a different state. Subsequent meetings may be called by either officer of the committee. The members of the committee shall serve without pay. The member districts shall appropriate money on an equal basis at each annual meeting to meet the expenses of the committee, including the cost of publication and distribution of reports and advertising. From time to time the commissioners may add additional members and additional member districts to the committee, and may remove members and member districts from the committee. An interstate school district planning committee shall act by majority vote of its membership present and voting.

C. Duties of Interstate School District Planning Committee. It shall be the duty of an interstate school district planning committee, in consulta-

tion with the commissioners and the state departments of education: to study the advisability of establishing an interstate school district in accordance with the standards set forth in paragraph A, its organization, operation and control, and the advisability of constructing, maintaining and operating a school or schools to serve the needs of such interstate district; to estimate the construction and operating costs thereof; to investigate the methods of financing such school or schools, and any other matters pertaining to the organization and operation of an interstate school district; and to submit a report or reports of its findings and recommendations to the several member districts.

D. Recommendations and Preparation of Articles of Agreement. An interstate school district planning committee may recommend that an interstate school district composed of all the member districts represented by its membership, or any specified combination of such member districts, be established. If the planning committee does recommend the establishment of an interstate school district, it shall include in its report such recommendation, and shall prepare and include in its report proposed articles of agreement for the proposed interstate school district, which shall be signed by at least a majority of the membership of the planning committee, which set forth the following:

- a. The name of the interstate school district.
- b. The member districts which shall be combined to form the proposed interstate school district.
- c. The number, composition, method of selection and terms of office of the interstate school board, provided that:
 - (1) The interstate school board shall consist of an odd number of members, not less than five nor more than fifteen;
 - (2) The terms of office shall not exceed three years;
 - (3) Each member district shall be entitled to elect at least one member of the interstate school board. Each member district shall either vote separately at the interstate school district meeting by the use of a distinctive ballot, or shall choose its member or members at any other election at which school officials may be chosen.
 - (4) The method of election shall provide for the filing of candidacies in advance of election and for the use of a printed nonpartisan ballot;
 - (5) Subject to the foregoing, provision may be made for the election of one or more members at large.
- d. The grades for which the interstate school district shall be responsible.
- e. The specific properties of member districts to be acquired initially by the interstate school district and the general location of any proposed new schools to be initially established or constructed by the interstate school district.
- f. The method of apportioning the operating expenses of the interstate school district among the several member districts, and the time and manner of payments of such shares.
- g. The indebtedness of any member district which the interstate district is to assume.

h. The method of apportioning the capital expenses of the interstate school district among the several member districts, which need not be the same as the method of apportioning operating expenses, and the time and manner of payment of such shares. Capital expenses shall include the cost of acquiring land and buildings for school purposes; the construction, furnishing and equipping of school buildings and facilities; and the payment of the principal and interest of any indebtedness which is incurred to pay for the same.

i. The manner in which state aid, available under the laws of either New Hampshire or Maine, shall be allocated, unless otherwise expressly provided in this compact or by the laws making such aid available.

j. The method by which the articles or agreement may be amended, which amendments may include the annexation of territory, or an increase or decrease in the number of grades for which the interstate district shall be responsible, provided that no amendment shall be effective until approved by both state boards in the same manner as required for approval of the original articles of agreement.

k. The date of operating responsibility of the proposed interstate school district and a proposed program for the assumption of operating responsibility for education by the proposed interstate school district, and any school construction; which the interstate school district shall have the power to vary by vote as circumstances may require.

l. Any other matters, not incompatible with law, which the interstate school district planning committee may consider appropriate to include in the articles of agreement, including, without limitation:

(1) The method of allocating the cost of transportation between the interstate district and member districts;

(2) The nomination of individual school directors to serve until the first annual meeting of the interstate school district.

E. Hearings. If the planning committee recommends the formation of an interstate school district, it shall hold at least one public hearing on its report and the proposed articles of agreement within the proposed interstate school district in Maine, and at least one public hearing thereon within the proposed interstate school district in New Hampshire. The planning committee shall give such notice thereof as it may determine to be reasonable, provided that such notice shall include at least one publication in a newspaper of general circulation within the proposed interstate school district not less than fifteen days, not counting the date of publication and not counting the date of the hearing, before the date of the first hearing. Such hearings may be adjourned from time to time and from place to place. The planning committee may revise the proposed articles of agreement after the date of the hearings. It shall not be required to hold further hearings on the revised articles of agreement but may hold one or more further hearings after notice similar to that required for the first hearings if the planning committee in its sole discretion determines that the revisions are so substantial in nature as to require further presentation to the public before submission to the state boards of education.

F. Approval by State Boards. After the hearings a copy of the proposed articles of agreement, as revised, signed by a majority of the planning

committee, shall be submitted by it to each state board. The state boards may if they find that the articles of agreement are in accord with the standards set forth in this compact and in accordance with sound educational policy, approve the same as submitted, or refer them back to the planning committee for further study. The planning committee may make additional revisions to the proposed articles of agreement to conform to the recommendations of the state boards. Further hearings on the proposed articles of agreement shall not be required unless ordered by the state boards in their discretion. In exercising such discretion, the state boards shall take into account whether or not the additional revisions are so substantial in nature as to require further presentation to the public. If both state boards find that the articles of agreement as further revised are in accord with the standards set forth in this compact and in accordance with sound educational policy, they shall approve the same. After approval by both state boards, each state board shall cause the articles of agreement to be submitted to the school boards of the several member districts in each state for acceptance by the member districts as provided in paragraph G. At the same time, each state board shall designate the form of warrant, date, time, place, and period of voting for the special meeting of the member district to be held in accordance with the paragraph G.

G. Adoption by Member Districts. Upon receipt of written notice from the state board in its state of the approval of the articles of agreement by both state boards, the school board of each member district shall cause the articles of agreement to be filed with the member district clerk. Within ten days after receipt of such notice, the school board shall issue its warrant for a special meeting of the member district, the warrant to be in the form, and the meeting to be held at the time and place and in the manner prescribed by the state board. No approval of the superior court shall be required for such special school district meeting in New Hampshire. Voting shall be with the use of a check-list by a ballot substantially in the following form:

"Shall the school district accept the provisions of the New Hampshire-Maine Interstate School Compact providing for the establishment of an interstate school district, together with the school districts of and , etc., in accordance with the proposed articles of agreement filed with the school district (town, city or incorporated school district) clerk?"

Yes ()

No ()

If the articles of agreement included the nomination of individual school directors, those nominated from each member district shall be included in the ballot and voted upon, such election to become effective upon the formation of an interstate school district.

If a majority of the voters present and voting in a member district vote in the affirmative, the clerk for such member district shall forthwith send to the state board in its state a certified copy of the warrant, certificate of posting, and minutes of the meeting of the district. If the state boards of both states find that a majority of the voters present and voting in each member district have voted in favor of the establishment of the interstate school district, they shall issue a joint certificate to that effect; and such

certificate shall be conclusive evidence of the lawful organization and formation of the interstate school district as of its date of issuance.

H. Resubmission. If the proposed articles of agreement are adopted by one or more of the member districts but rejected by one or more of the member districts, the state boards may resubmit them, in the same form as previously submitted, to the rejecting member districts, in which case the school boards thereof shall resubmit them to the voters in accordance with paragraph G. An affirmative vote in accordance therewith shall have the same effect as though the articles of agreement had been adopted in the first instance. In the alternative, the state boards may either discharge the planning committee, or refer the articles of agreement back for further consideration to the same or a reconstituted planning committee, which shall have all the powers and duties as the planning committee as originally constituted.

Article III

Powers of Interstate School District

A. Powers. Each interstate school district shall be a body corporate and politic, with power to:

a. Acquire, construct, extend, improve, staff, operate, manage and govern public schools within its boundaries;

b. Sue and be sued, subject to the limitations of liability hereinafter set forth;

c. Have a seal and alter the same at pleasure;

d. Adopt, maintain and amend bylaws not inconsistent with this compact, and the laws of the two states;

e. Acquire by purchase, condemnation, lease or otherwise, real and personal property for the use of its schools;

f. Enter into contracts and incur debts;

g. Borrow money for the purposes set forth, and to issue its bonds or notes therefor;

h. Make contracts with and accept grants and aid from the United States, the State of Maine, the State of New Hampshire, any agency or municipality thereof, and private corporations and individuals for the construction, maintenance, reconstruction, operation and financing of its schools; and to do any and all things necessary in order to avail itself of such aid and cooperation;

i. Employ such assistants, agents, servants and independent contractors as it shall deem necessary or desirable for its purposes; and

j. Take any other action which is necessary or appropriate in order to exercise any of the foregoing powers.

Article IV

District Meetings

A. General. Votes of the district shall be taken at a duly warned meeting held at any place in the district, at which all of the eligible legal voters of the member districts shall be entitled to vote, except as otherwise provided with respect to the election of directors.

B. Eligibility of Voters. Any resident who would be eligible to vote at a meeting of a member district being held at the same time shall be eligible to vote at a meeting of the interstate district. The town clerks in each Maine member district and the supervisors of the checklist of each New Hampshire district shall respectively prepare a checklist of eligible voters for each meeting of the interstate district in the same manner, and they shall have all the same powers and duties with respect to eligibility of voters in their districts as for a meeting of a member district.

C. Warning of Meetings. A meeting shall be warned by a warrant addressed to the residents of the interstate school district qualified to vote in district affairs, stating the time and place of the meeting and the subject matter of the business to be acted upon. The warrant shall be signed by the clerk and by a majority of the directors. Upon written application of ten or more voters in the district, presented to the directors or to one of them, at least twenty-five days before the day prescribed for an annual meeting, the directors shall insert in their warrant for such meeting any subject matter specified in such application.

D. Posting and Publication of Warrant. The directors shall cause an attested copy of the warrant to be posted at the place of meeting, and a like copy at a public place in each member district at least twenty days, not counting the date of posting and the date of meeting, before the date of the meeting. In addition, the directors shall cause the warrant to be advertised in a newspaper of general circulation on at least one occasion, such publication to occur at least ten days, not counting the date of publication and not counting the date of the meeting, before the date of the meeting. Although no further notice shall be required, the directors may give such further notice of the meeting as they in their discretion deem appropriate under the circumstances.

E. Return of Warrant. The warrant with a certificate thereon, verified by oath, stating the time and place when and where copies of the warrant were posted and published, shall be given to the clerk of the interstate school district at or before the time of the meeting, and shall be recorded by him in the records of the interstate school district.

F. Organization Meeting. The commissioners, acting jointly, shall fix a time and place for a special meeting of the qualified voters within the interstate school district for the purpose of organization, and shall prepare and issue the warrant for the meeting after consultation with the interstate school district planning board and the members-elect, if any, of the interstate school board of directors. Such meeting shall be held within sixty days after the date of issuance of the certificate of formation, unless the time is further extended by the joint action of the state boards. At the organization meeting the commissioner of education of the state where the meeting is held, or his designate, shall preside in the first instance, and the following business shall be transacted:

a. A temporary moderator and a temporary clerk shall be elected from among the qualified voters who shall serve until a moderator and clerk respectively have been elected and qualified.

b. A moderator, clerk, a treasurer and three auditors shall be elected to serve until the next annual meeting and thereafter until their successors

are elected and qualified. Unless previously elected, a board of school directors shall be elected to serve until their successors are elected and qualified.

c. The date for the annual meeting shall be established.

d. Provision shall be made for the payment of any organizational or other expense incurred on behalf of the district before the organization meeting, including the cost of architects, surveyors, contractors, attorneys, and educational or other consultants or experts.

e. Any other business, the subject matter of which has been included in the warrant, and which the voters would have had power to transact at any annual meeting.

G. Annual Meetings. An annual meeting of the district shall be held between January 15th and June 1st of each year at such time as the interstate district may by vote determine. Once determined, the date of the annual meeting shall remain fixed until changed by vote of the interstate district at a subsequent annual or special meeting. At each annual meeting the following business shall be transacted:

a. Necessary officers shall be elected.

b. Money shall be appropriated for the support of the interstate district schools for the fiscal year beginning the following July 1st.

c. Such other business as may properly come before the meeting.

H. Special Meetings. A special meeting of the district shall be held whenever, in the opinion of the directors, there is occasion therefor, or whenever written application shall have been made by five per cent or more of the voters based on the checklists as prepared for the last preceding meeting, setting forth the subject matter upon which such action is desired. A special meeting may appropriate money without compliance with RSA 33:8 or RSA 197:3 which would otherwise require the approval of the New Hampshire superior court.

I. Certification of Records. The clerk of an interstate school district shall have the power to certify the record of the votes adopted at an interstate school district meeting to the respective commissioners and state boards and, where required, for filing with a secretary of state.

J. Method of Voting at School District Meetings. Voting at meetings of interstate school districts shall take place as follows:

a. School directors. A separate ballot shall be prepared for each member district, listing the candidates for interstate school director to represent such member district; and any candidates for interstate school director at large; and the voters of each member district shall register on a separate ballot their choice for the office of school director or directors. In the alternative, the articles of agreement may provide for the election of school directors by one or more of the member districts at an election otherwise held for the choice of school or other municipal officers.

b. Other votes. Except as otherwise provided in the articles of agreement of this compact, with respect to all other votes, the voters of the interstate school district shall vote as one body irrespective of the member districts in which they are resident, and a simple majority of those present and voting at any duly warned meeting shall carry the vote. Voting for

officers to be elected at any meeting, other than school directors, shall be by ballot or voice, as the interstate district may determine, either in its articles of agreement or by a vote of the meeting.

Article V

Officers

A. Officers; General. The officers of an interstate school district shall be a board of school directors, a chairman of the board, a vice-chairman of the board, a secretary of the board, a moderator, a clerk, a treasurer and three auditors. Except as otherwise specifically provided, they shall be eligible to take office immediately following their election; they shall serve until the next annual meeting of the interstate district and until their successors are elected and qualified. Each shall take oath for the faithful performance of his duties before the moderator, or a notary public or a justice of the peace of the state in which the oath is administered. Their compensation shall be fixed by vote of the district. No person shall be eligible to any district office unless he is a voter in the district. A custodian, school teacher, principal, superintendent or other employee of an interstate district acting as such shall not be eligible to hold office as a school director.

B. Board of Directors.

a. How chosen. Each member district shall be represented by at least one resident on the board of school directors of an interstate school district. A member district shall be entitled to such further representation on the interstate board of school directors as provided in the articles of agreement as amended from time to time. The articles of agreement as amended from time to time may provide for school directors at large, as set forth. No person shall be disqualified to serve as a member of an interstate board because he is at the same time a member of the school board of a member district.

b. Term. Interstate school directors shall be elected for terms in accordance with the articles of agreement.

c. Duties of Board of Directors. The board of school directors of an interstate school district shall have and exercise all of the powers of the district not reserved herein to the voters of the district.

d. Organization. The clerk of the district shall warn a meeting of the board of school directors to be held within ten days following the date of the annual meeting, for the purpose of organizing the board, including the election of its officers.

C. Chairman of the Board. The chairman of the board of interstate school directors shall be elected by the interstate board from among its members at its first meeting following the annual meeting. The chairman shall preside at the meetings of the board and shall perform such other duties as the board may assign to him.

D. Vice-chairman of the board of directors. The vice-chairman of the interstate board shall be elected in the same manner as the chairman. He shall represent a member district in a state other than that represented by the chairman. He shall preside in the absence of the chairman and shall perform such other duties as may be assigned to him by the interstate board.

E. Secretary of the Board. The secretary of the interstate board shall be elected in the same manner as the chairman. Instead of electing one of its members, the interstate board may appoint the interstate district clerk to serve as secretary of the board in addition to his other duties. The secretary of the interstate board, or the interstate district clerk, if so appointed, shall keep the minutes of its meetings, shall certify its records, and perform such other duties as may be assigned to him by the board.

F. Moderator. The moderator shall preside at the district meetings, regulate the business thereof, decide questions of order, and make a public declaration of every vote passed. He may prescribe rules of procedure; but such rules may be altered by the district. He may administer oaths to district officers in either state.

G. Clerk. The clerk shall keep a true record of all proceedings at each district meeting, shall certify its records, shall make an attested copy of any records of the district for any person upon request and tender of reasonable fees therefor, if so appointed, shall serve as secretary of the board of school directors, and shall perform such other duties as may be required by custom or law.

H. Treasurer. The treasurer shall have custody of all of the monies belonging to the district and shall pay out the same only upon the order of the interstate board. He shall keep a fair and accurate account of all sums received into and paid from the interstate district treasury, and at the close of each fiscal year he shall make a report to the interstate district, giving a particular account of all receipts and payments during the year. He shall furnish to the interstate directors, statements from his books and submit his books and vouchers to them and to the district auditors for examination whenever so requested. He shall make all returns called for by laws relating to school districts. Before entering on his duties, the treasurer shall give a bond with sufficient sureties and in such sum as the directors may require. The treasurer's term of office is from July 1st to the following June 30th.

I. Auditors. At the organization meeting of the district, three auditors shall be chosen, one to serve for a term of one year, one to serve for a term of two years and one to serve for a term of three years. After the expiration of each original term, the successor shall be chosen for a three year term. At least one auditor shall be a resident of Maine, and one auditor shall be a resident of New Hampshire. An interstate district may vote to employ a certified public accountant to assist the auditors in the performance of their duties. The auditors shall carefully examine the accounts of the treasurer and the directors at the close of each fiscal year, and at such other times whenever necessary, and report to the district whether the same are correctly cast and properly vouched.

J. Superintendent. The superintendent of schools shall be selected by a majority vote of the board of school directors of the interstate district with the approval of both commissioners.

K. Vacancies. Any vacancy among the elected officers of the district shall be filled by the interstate board until the next annual meeting of the district or other election, when a successor shall be elected to serve out the remainder of the unexpired term, if any. Until all vacancies on the interstate board are filled, the remaining members shall have full power to act.

Article VI

Appropriation and Apportionment of Funds

A. Budget. Before each annual meeting, the interstate board shall prepare a report of expenditures for the preceding fiscal year, an estimate of expenditures for the current fiscal year, and a budget for the succeeding fiscal year.

B. Appropriation. The interstate board of directors shall present the budget report at the annual meeting. The interstate district shall appropriate a sum of money for the support of its schools and for the discharge of its obligations for the ensuing fiscal year.

C. Apportionment of Appropriation. Subject to the provisions of article VII, the interstate board shall first apply against such appropriation any income to which the interstate district is entitled, and shall then apportion the balance among the member districts in accordance with one of the following formulas as determined by the articles of agreement as amended from time to time.

a. All of such balance to be apportioned on the basis of the ratio that the fair market value of the taxable property in each member district bears to that of the entire interstate district; or

b. All of such balance to be apportioned on the basis that the average daily resident membership for the preceding fiscal year of each member district bears to that of the average daily resident membership of the entire interstate school district; or

c. A formula based on any combination of the foregoing factors. The term "fair market value of taxable property" shall mean the last locally assessed valuation of a member district in New Hampshire, as last equalized by the New Hampshire state tax commission. The term "fair market value of taxable property" shall mean the equalized grand list of a Maine member district, as determined by the Maine Bureau of Taxation. Such assessed valuation and grand list may be further adjusted by elimination of certain types of taxable property from one or the other or otherwise, in accordance with the articles of agreement, in order that the fair market value of taxable property in each state shall be comparable. "Average daily resident membership" of the interstate district in the first instance shall be the sum of the average daily resident membership of the member districts in the grades involved for the preceding fiscal year where no students were enrolled in the interstate district schools for such preceding fiscal year.

D. Share of New Hampshire Member District. The interstate board shall certify the share of a New Hampshire member district of the total appropriation to the school board of each member district which shall add such sum to the amount appropriated by the member district itself for the ensuing year and raise such sum in the same manner as though the appropriation had been voted at a school district meeting of the member district. The interstate district shall not set up its own capital reserve funds; but a New Hampshire member district may set up a capital reserve fund in accordance with RSA 35, to be turned over to the interstate district in payment of the New Hampshire member district's share of any anticipated obligations.

E. Share of Maine Member District. The interstate board shall certify the share of a Maine member district of the total appropriation to the school board of each member district which shall add such sum to the amount appropriated by the member district itself for the ensuing year and raise such sum in the same manner as though the appropriation had been voted at a school district meeting of the member district.

Article VII

Borrowing

A. Interstate District Indebtedness. Indebtedness of an interstate district shall be a general obligation of the district and shall be a joint and several general obligation of each member district, except that such obligations of the district and its member districts shall not be deemed indebtedness of any member district for the purposes of determining its borrowing capacity under Maine or New Hampshire law. A member district which withdraws from an interstate district shall remain liable for indebtedness of the interstate district which is outstanding at the time of withdrawal and shall be responsible for paying its share of such indebtedness to the same extent as though it had not withdrawn.

B. Temporary Borrowing. The interstate board may authorize the borrowing of money by the interstate district (1) in anticipation of payments of operating and capital expenses by the member districts to the interstate district and (2) in anticipation of the issue of bonds or notes of the interstate district which have been authorized for the purpose of financing capital projects. Such temporary borrowing shall be evidence by interest bearing or discounted notes of the interstate district. The amount of notes issued in any fiscal year in anticipation of expense payments shall not exceed the amount of such payments received by the interstate district in the preceding fiscal year. Notes issued under this paragraph shall be payable within one year in the case of notes under clause (1) and three years in the case of notes under clause (2) from their respective dates, but the principal of and interest on notes issued for a shorter period may be renewed or paid from time to time by the issue of other notes, provided that the period from the date of an original note to the maturity of any note issued to renew or pay the same debt shall not exceed the maximum period permitted for the original loan.

C. Borrowing for Capital Projects. An interstate district may incur debt and issue its bonds or notes to finance capital projects. Such projects may consist of the acquisition or improvement of land and buildings for school purposes, the construction, reconstruction, alteration or enlargement of school buildings and related school facilities, the acquisition of equipment of a lasting character and the payment of judgments. No interstate district may authorize indebtedness in excess of ten per cent of the total fair market value of taxable property in its member districts as defined in article VI. The primary obligation of the interstate district to pay indebtedness of member districts shall not be considered indebtedness of the interstate district for the purpose of determining its borrowing capacity under this section. Bonds or notes issued under this section shall mature in equal or diminishing installments of principal payable at least annually commencing

no later than two years and ending not later than thirty years after their dates.

D. Authorization. An interstate district shall authorize the incurring of debts to finance capital projects by a majority vote of the district passed at an annual or special district meeting. Such vote shall be taken by secret ballot after full opportunity for debate, and any such vote shall be subject to reconsideration and further action by the district at the same meeting or at an adjourned session thereof.

E. Sale of Bonds and Notes. Bonds and notes which have been authorized under this article may be issued from time to time and shall be sold at not less than par and accrued interest at public or private sale by the chairman of the school board and by the treasurer. Interstate district bonds and notes shall be signed by the said officers, except that either one of the two required signatures may be a facsimile. Subject to this compact and the authorizing vote, they shall be in such form, bear such rates of interest and mature at such times as the said officers may determine. Bonds shall, but notes need not, bear the seal of the interstate district, or a facsimile of such seal. Any bonds or notes of the interstate district which are properly executed by the said officers shall be valid and binding according to their terms notwithstanding that before the delivery thereof such officers may have ceased to be officers of the interstate district.

F. Proceeds of Bonds. Any accrued interest received upon delivery of bonds or notes of an interstate district shall be applied to the payment of the first interest which becomes due thereon. The other proceeds of the sale of such bonds or notes, other than temporary notes, including any premiums, may be temporarily invested by the interstate district pending their expenditure; and such proceeds, including any income derived from the temporary investment of such proceeds, shall be used to pay the costs of issuing and marketing the bonds or notes and to meet the operating expenses or capital expenses in accordance with the purposes for which the bonds or notes were issued or, by proceedings taken in the manner required for the authorization of such debt, for other purposes for which such debt could be incurred. No purchaser of any bonds or notes of an interstate district shall be responsible in any way to see to the application of the proceeds thereof.

G. State Aid Programs. As used in this section the term "initial aid" shall include New Hampshire and Maine financial assistance with respect to a capital project, or the means of financing a capital project, which is available in connection with construction costs of a capital project or which is available at the time indebtedness is incurred to finance the project. Without limiting the generality of the foregoing definition, initial aid shall specifically include a New Hampshire state guarantee under RSA 195-B with respect to bonds or notes and Maine construction aid under section 3457. As used in this section the term "long-term aid" shall include New Hampshire and Maine financial assistance which is payable periodically in relation to capital costs incurred by an interstate district. Without limiting the generality of the foregoing definition, long-term aid shall specifically include New Hampshire school building aid under RSA 198 and Maine school building aid under section 3457. For the purpose of applying for,

receiving and expending initial aid and long-term aid an interstate district shall be deemed a native school district by each state, subject to the following provisions. When an interstate district has appropriated money for a capital project, the amount appropriated shall be divided into a Maine share and a New Hampshire share in accordance with the capital expense apportionment formula in the articles of agreement as though the total amount appropriated for the project was a capital expense requiring apportionment in the year the appropriation is made. New Hampshire initial aid shall be available with respect to the amount of the New Hampshire share as though it were authorized indebtedness of a New Hampshire cooperative school district. In the case of a state guarantee of interstate district bonds or notes under RSA 195-B, the interstate district shall be eligible to apply for and receive an unconditional state guarantee with respect to an amount of its bonds or notes which does not exceed fifty per cent of the amount of the New Hampshire share as determined above. Maine aid shall be available with respect to the amount of the Maine share as though it were funds voted by a Maine school district. Payments of Maine aid shall be made to the interstate district, and the amount of any borrowing authorized to meet the appropriation for the capital project shall be reduced accordingly. New Hampshire and Maine long-term aid shall be payable to the interstate district. The amounts of long-term aid in each year shall be based on the New Hampshire and Maine shares of the amount of indebtedness of the interstate district which is payable in that year and which has been apportioned in accordance with the capital expense apportionment formula in the articles of agreement. The New Hampshire aid shall be payable at the rate of forty-five per cent if there are three or less New Hampshire members in the interstate district, and otherwise it shall be payable as though the New Hampshire members were a New Hampshire cooperative school district. New Hampshire and Maine long-term aid shall be deducted from the total capital expenses for the fiscal year in which the long-term aid is payable, and the balance of such expenses shall be apportioned among the member districts. Notwithstanding the foregoing provisions, New Hampshire and Maine may at any time change their state school aid programs that are in existence when this compact takes effect and may establish new programs, and any legislation for these purposes may specify how such programs shall be applied with respect to interstate districts.

H. Tax Exemption. Bonds and notes of an interstate school district shall be exempt from local property taxes in both states, and the interest or discount thereon and any profit derived from the disposition thereof shall be exempt from personal income taxes in both states.

Article VIII

Taking Over of Existing Property

A. Power to acquire property of member district. The articles of agreement, or an amendment thereof, may provide for the acquisition by an interstate district from a member district of all or a part of its existing plant and equipment.

B. Valuation. The articles of agreement, or the amendment, shall provide for the determination of the value of the property to be acquired in one or more of the following ways:

a. A valuation set forth in the articles of agreement or the amendment.

b. By appraisal, in which case, one appraiser shall be appointed by each commissioner, and a third appraiser appointed by the first two appraisers.

C. Reimbursement to Member District. The articles of agreement shall specify the method by which the member district shall be reimbursed by the interstate district for the property taken over, in one or more of the following ways:

a. By one lump sum, appropriated, allocated and raised by the interstate district in the same manner as an appropriation for operating expenses.

b. In installments over a period of not more than twenty years, each of which is appropriated, allocated and raised by the interstate district in the same manner as an appropriation for operating expenses.

c. By an agreement to assume or reimburse the member district for all principal and interest on any outstanding indebtedness originally incurred by the member district to finance the acquisition and improvement of the property, each such installment to be appropriated, allocated and raised by the interstate district in the same manner as an appropriation for operating expenses.

The member district transferring the property shall have the same obligation to pay to the interstate district its share of the cost of such acquisition, but may offset its right to reimbursement.

Article IX

Amendments to Articles of Agreement

A. Amendments to the articles of agreement may be adopted in the same manner provided for the adoption of the original articles of agreement, except that:

a. Unless the amendment calls for the addition of a new member district, the functions of the planning committee shall be carried out by the interstate district board of directors.

b. If the amendment proposes the addition of a new member district, the planning committee shall consist of all the members of the interstate board and all of the members of the school board of the proposed new member district or districts. In such case the amendment shall be submitted to the voters at an interstate district meeting, at which an affirmative vote of two-thirds of those present and voting shall be required. The articles of agreement together with the proposed amendment shall be submitted to the voters of the proposed new member district at a meeting thereof, at which a simple majority of those present and voting shall be required.

c. In all cases an amendment may be adopted on the part of an interstate district upon the affirmative vote of voters thereof at a meeting voting as one body. Except where the amendment proposes the admission of a new member district, a simple majority of those present and voting shall be required for adoption.

d. No amendment to the articles of agreement may impair the rights

of bond or note holders or the power of the interstate district to procure the means for their payment.

Article X

Applicability of New Hampshire Laws

A. General School Laws. With respect to the operation and maintenance of any school of the district located in New Hampshire, New Hampshire law shall apply except as otherwise provided in this compact and except that the powers and duties of the school board shall be exercised and discharged by the interstate board and the powers and duties of the union superintendent shall be exercised and discharged by the interstate district superintendent.

B. New Hampshire State Aid. A New Hampshire school district shall be entitled to receive an amount of state aid for operating expenditures as though its share of the interstate district's expenses were the expenses of the New Hampshire member district, and as though the New Hampshire member district pupils attending the interstate school were attending a New Hampshire cooperative school district's school. The state aid shall be paid to the New Hampshire member school district to reduce the sums which would otherwise be required to be raised by taxation within the member district.

C. Continued Existence of New Hampshire Member School District. A New Hampshire member school district shall continue in existence, and shall have all of the powers and be subject to all of the obligations imposed by law and not herein delegated to the interstate district. If the interstate district incorporates only a part of the schools in the member school district, then the school board of the member school district shall continue in existence and it shall have all of the powers and be subject to all of the obligations imposed by law on it and not herein delegated to the district. However, if all of the schools in the member school district are incorporated into the interstate school district, then the member or members of the interstate board representing the member district shall have all of the powers and be subject to all of the obligations imposed by law on the members of a school board for the member district and not herein delegated to the interstate district. The New Hampshire member school district shall remain liable on its existing indebtedness; and the interstate school district shall not become liable therefor, unless the indebtedness is specifically assumed in accordance with the articles of agreement. Any trust funds or capital reserve funds and any property not taken over by the interstate district shall be retained by the New Hampshire member district and held or disposed of according to law. If all of the schools in a member district are incorporated into an interstate district, then no annual meeting of the member district shall be required unless the members of the interstate board from the member district shall determine that there is occasion for such an annual meeting.

D. Suit and Service of Process in New Hampshire. The courts of New Hampshire shall have the same jurisdiction over the district as though a New Hampshire member district were a party instead of the interstate district. The service necessary to institute suit in New Hampshire shall be

made on the district by leaving a copy of the writ or other proceedings in hand or at the last and usual place of abode of one of the directors who resides in New Hampshire, and by mailing a like copy to the clerk and to one other director by certified mail with return receipt requested.

E. Employment. Each employee of an interstate district assigned to a school located in New Hampshire shall be considered an employee of a New Hampshire school district for the purpose of the New Hampshire teachers retirement system, the New Hampshire state employees retirement system, the New Hampshire workmen's compensation law and any other law relating to the regulation of employment or the provision of benefits for employees of New Hampshire school districts except as follows:

a. A teacher in a New Hampshire member district may elect to remain a member of the New Hampshire retirement system, even though assigned to teach in an interstate school in Maine.

b. Employees of interstate districts designated as professional or instructional staff members, as defined in article I, may elect to participate in the teachers retirement system of either the State of New Hampshire or the State of Maine but in no case will they participate in both retirement systems simultaneously.

c. It shall be the duty of the superintendent in an interstate district to:

(1) advise teachers and other professional staff employees contracted for the district about the terms of the contract and the policies and procedures of the retirement systems;

(2) See that each teacher or professional staff employee selects the retirement system of his choice at the time his contract is signed;

(3) provide the commissioners of education in New Hampshire and in Maine with the names and other pertinent information regarding each staff member under his jurisdiction so that each may be enrolled in the retirement system of his preference.

Article XI

Applicability of Maine Laws

A. General School Laws. With respect to the operation and maintenance of any school of the district located in Maine, the provisions of Maine law shall apply except as otherwise provided in this compact and except that the powers and duties of the school board shall be exercised and discharged by the interstate board and the powers and duties of the superintendent shall be exercised and discharged by the interstate district superintendent.

B. Maine State Aid. A Maine school district shall be entitled to receive such amount of state aid for operating expenditures as though its share of the interstate district's expenses were the expenses of the Maine member district, and as though the Maine member district pupils attending the interstate schools were attending a Maine unit. Such state aid shall be paid to the Maine member school district to reduce the sums which would otherwise be required to be raised by taxation within the member district.

C. Continued Existence of Maine School Districts. A Maine school

district shall continue in existence, and shall have all of the powers and be subject to all of the obligations imposed by law and not herein delegated to the interstate district. If the interstate district incorporates only a part of the schools in the member school district, then the school board of the member school districts shall continue in existence and it shall have all of the powers and be subject to all of the obligations imposed by law on it and not herein delegated to the district. However, if all of the schools in the member school district are incorporated into the interstate school district, then the member or members of the interstate board representing the member district shall have all of the powers and be subject to all of the obligations imposed by law on the members of a school board for the member district and not herein delegated to the interstate district. The Maine member school district shall remain liable on its existing indebtedness; and the interstate school district shall not become liable therefor. Any trust funds and any property not taken over shall be retained by the Maine member school district and held or disposed of according to law.

D. Suit and Service of Process in Maine. The courts of Maine shall have the same jurisdiction over the districts as though a Maine member district were a party instead of the interstate district. The service necessary to institute suit in Maine shall be made on the district by leaving a copy of the writ or other proceedings in hand or at the last and usual place of abode of one of the directors who resides in Maine, and by mailing a like copy to the clerk and to one other director by certified mail with return receipt requested.

E. Employment. Each employee of an interstate district assigned to a school located in Maine shall be considered an employee of a Maine school district for the purpose of the state retirement system, the Maine workmen's compensation law, and any other laws relating to the regulation of employment or the provision of benefits for employees of Maine school districts except as follows:

a. A teacher in a Maine member district may elect to remain a member of the state retirement system of Maine, even though assigned to teach in an interstate school in New Hampshire.

b. Employees of interstate districts designated as professional or instructional staff members, as defined in article I, may elect to participate in the state retirement system of the State of Maine or the teachers retirement system of the State of New Hampshire but in no case will they participate in both retirement systems simultaneously.

c. It shall be the duty of the superintendent in an interstate district to:

(1) advise teachers and other professional staff employees contracted for the district about the terms of the contract and the policies and procedures of the retirement system;

(2) see that each teacher or professional staff employee selects the retirement system of his choice at the time his contract is signed;

(3) provide the commissioners of education in New Hampshire and in Maine with the names and other pertinent information regarding each staff member under his jurisdiction so that each may be enrolled in the retirement system of his preference.

Article XII

Miscellaneous Provisions

A. Studies. Insofar as practicable, the studies required by the laws of both states shall be offered in an interstate school district.

B. Textbooks. Textbooks and scholar's supplies shall be provided at the expense of the interstate district for pupils attending its schools.

C. Transportation. The allocation of the cost of transportation in an interstate school district, as between the interstate district and the member districts, shall be determined by the articles of agreement.

D. Location of Schoolhouses. In any case where a new schoolhouse or other school facility is to be constructed or acquired, the interstate board shall first determine whether it shall be located in New Hampshire or in Maine. If it is to be located in New Hampshire, RSA 199, relating to schoolhouses, shall apply. If it is to be located in Maine, the Maine law relating to schoolhouses shall apply.

E. Fiscal year. The fiscal year of each interstate district shall begin on July 1st of each year and end on June 30th of the following year.

F. Immunity from Tort Liability. Notwithstanding the fact that an interstate district may derive income from operating profit, fees, rentals, and other services, it shall be immune from suit and from liability for injury to persons or property and for other torts caused by it or its agents, servants or independent contractors, except insofar as it may have liability under RSA 281, relating to workmen's compensation or may have undertaken such liability under RSA 412:3 relating to the procurement of liability insurance by a governmental agency and except insofar as it may have undertaken such liability under Maine laws relating to workmen's compensation or Maine laws relating to the procurement of liability insurance by a governmental agency.

G. Administrative Agreement Between Commissioners of Education. The commissioners of education of New Hampshire and Maine may enter into one or more administrative agreements prescribing the relationship between the interstate districts, member districts, and each of the two state departments of education, in which any conflicts between the two states in procedure, regulations, and administrative practices may be resolved.

H. Amendments. Neither state shall amend its legislation or any agreement authorized thereby without the consent of the other in such manner as to substantially adversely affect the rights of the other state or its people hereunder, or as to substantially impair the rights of the holders of any bonds or notes or other evidences of indebtedness then outstanding or the rights of an interstate school district to procure the means for payment thereof. Subject to the foregoing, any reference herein to other statutes of either state shall refer to such statute as it may be amended or revised from time to time.

I. Separability. If any of the provisions of this compact, or legislation enabling the same, shall be held invalid or unconstitutional in relation to any of the applications thereof, such invalidity or unconstitutionality shall not affect other applications thereof or other provisions thereof; and to this end the provisions of this compact are declared to be severable.

J. Inconsistency of Language. The validity of this compact shall not be affected by any insubstantial differences in its form or language as adopted by the two states.

Article XIII Effective Date

A. This compact shall become effective when a bill of the Maine general assembly which incorporates the compact becomes a law in Maine and when it is approved by the United States Congress.

250:2 Action Authorized. Before the compact inserted by section 1 of this act becomes effective the commissioner of education of this state may act either separately or jointly with the commissioner of education of Maine to take whatever steps are necessary to get the compact approved by the United States Congress as required by the provisions of the compact, and to do any other act consistent with the general policy of the compact that is necessary to make preparations for the proper administration of the compact.

250:3 Effective Date. The provisions of section 2 of this act shall take effect sixty days after its passage. The provisions of section 1 shall take effect as provided by article XIII of the compact.

[Approved June 13, 1969.]

[Effective date section 2 effective August 12, 1969. Section 1 shall take effect as provided by Article XIII of compact.]

CHAPTER 251.

AN ACT RELATIVE TO ACCEPTANCE OF FEDERAL FUNDS BY FISH AND GAME DEPARTMENT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

251:1 Fish and Game Department Authorized to Receive Federal Funds; Filing of Requests and Plans. Amend RSA 206 by inserting after section 38 the following new sections:

206:39 Federal Funds. The department of fish and game is authorized to receive and expend with the approval of the governor and council any gifts and grants from any source including the United States of America and to hold property real and personal, acquired thereunder to complete any project authorized under the provisions of this title.

206:40 Copies of Plans and Requests to be Filed. The department of fish and game shall file copies of any plans or requests for funds submitted to the United States government as part of an application for federal funds with the speaker of the house and the president of the senate within seven days after said plans or requests for funds are submitted.

251:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 17, 1969.]

[Effective date August 16, 1969.]

CHAPTER 252.

AN ACT PROHIBITING THE EXPOSURE OF HARMFUL MATERIAL TO CERTAIN MINORS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

252:1 New Chapter. Amend RSA by inserting after chapter 571-A (supp) the following new chapter:

Chapter 571-B**Exposing Minor to Harmful Materials**

571-B:1 Definitions. As used in this chapter:

I. "Minor" means any person under the age of seventeen years.

II. "Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

III. "Sexual conduct" means acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be a female, breast.

IV. "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

V. "Sado-masochistic abuse" means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

VI. "Harmful to minors" means that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse, when it:

(a) Predominantly appeals to the prurient, shameful or morbid interests of minors, and

(b) Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors, and

(c) Is utterly without redeeming social importance for minors.

VII. "Knowingly" means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry or both as to:

(a) The character and content of any material described herein which is reasonably susceptible of examination by the defendant, and

(b) The age of the minor, providing however, that an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonably bona fide attempt to ascertain the true age of such minor.

571-B:2 Offenses.

I. It shall be unlawful for any person knowingly to sell or loan for monetary consideration to a minor:

(a) Any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct or sado-masochistic abuse and which is harmful to minors, or

(b) Any book, pamphlet, magazine, printed matter however reproduced, or sound recording which contains any matter enumerated in subparagraph (a) of paragraph I of this section, or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sado-masochistic abuse and which, taken as a whole, is harmful to minors.

II. It shall be unlawful for any person knowingly to exhibit for a monetary consideration to a minor or knowingly to sell to a minor an admission ticket or pass or knowingly to admit a minor for a monetary consideration to premises whereon there is exhibited a motion picture, show or other presentation which, in whole or in part, depicts nudity, sexual conduct or sado-masochistic abuse and which is harmful to minors.

571-B:3 Penalty. A person convicted of any violation of this chapter shall be fined not more than five hundred dollars or imprisoned not more than one year, or both.

252:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 17, 1969.]

[Effective date August 16, 1969.]

CHAPTER 253.

AN ACT RELATIVE TO THE DISTRIBUTION AND SALE OF THE MANUAL FOR THE GENERAL COURT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

253:1 Distribution and Sale. Amend RSA 20:5 by inserting in line five after the word "manuals" the following (Manuals shall be distributed without charge as follows: Not more than three copies to each member of the general court; one copy to the clerk of each city and town; one copy to each member of the congressional delegation; one copy to each public library in the state; five copies to the governor's office; one copy to each member of the governor's council; fifteen copies to the office of legislative services; copies to each state department, agency, board, institution and to the state library on request; and one copy to each member of the press corps regularly covering the proceedings of the general court. Copies of the manual not distributed without charge pursuant to this section shall be offered for sale by the secretary of state at a price determined by the governor and council. Revenue derived from sale of manuals shall be deposited in the general fund) so that said section as amended shall read as follows: **20:5 Manual.** The secretary of state, under the direction of the governor and council, shall prepare and cause to be printed a manual for each session of the legislature, containing such matter as may be useful to the members

thereof, and shall determine the style, form, and quantity of such manuals. Manuals shall be distributed without charge as follows: not more than three copies to each member of the general court; one copy to the clerk of each city and town; one copy to each member of the congressional delegation; one copy to each public library in the state; five copies to the governor's office; one copy to each member of the governor's council; fifteen copies to the office of legislative services; copies to each state department, agency, board, institution and to the state library on request; and one copy to each member of the press corps regularly covering the proceedings of the general court. Copies of the manual not distributed without charge pursuant to this section shall be offered for sale by the secretary of state at a price determined by the governor and council. Revenue derived from sale of manuals shall be deposited in the general fund.

253:2 Effective Date. This act shall take effect sixty days after its passage.

[Enacted in accordance with Article 44, Pt. II of N. H. Constitution, without signature of governor, June 18, 1969.]

[Effective date August 17, 1969.]

CHAPTER 254.

AN ACT RELATIVE TO THE CONTENT OF PERMITS FOR DRIVEWAYS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

254:1 Content of Permits for Driveways. Amend RSA 249:17 by striking out said section and inserting in place thereof the following:

249:17 Driveways.

I. It shall be unlawful to construct, or alter in any way that substantially affects the size or grade of any driveway, entrance, exit, or approach within the limits of the right of way of any class I or class III highway or the state-maintained portion of a class II highway that does not conform to the terms and specifications of a written permit issued by the commissioner of public works and highways.

II. Pursuant to this section, a written application must be filed with the department of public works and highways by any abutter affected by the provisions of paragraph I. Before any construction or alteration work is commenced, said application shall have been reviewed, and approved by said department. Said permit shall:

(a) Describe the location of the driveway, entrance, exit, or approach. The location shall be selected to most adequately protect the safety of the traveling public.

(b) Describe any drainage structures to be installed by the abutter.

(c) Establish grades that adequately protect and promote proper drainage and that permit a safe and controlled approach to the highway in all seasons of the year.

(d) Include any other terms or specifications necessary for the safety of the traveling public.

III. No permit shall allow:

(a) A driveway, entrance, exit, or approach to be constructed more than fifty feet in width, except that a driveway, entrance, exit, or approach may be flared beyond a width of fifty feet at its junction with the highway to accommodate the turning radius of vehicles expected to use the particular driveway, entrance, exit, or approach.

(b) More than two driveways, entrances, exits, or approaches from any one highway to any one parcel of land unless the frontage along that highway exceeds five hundred feet.

254:2 Application. This section shall only apply to permits issued or construction alterations commencing after the effective date of this act.

254:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 20, 1969.]

[Effective date August 19, 1969.]

CHAPTER 255.

AN ACT RELATIVE TO THE BURDEN OF PROOF IN ACTIONS FOR A DECLARATORY JUDGMENT CONCERNING INSURANCE COVERAGE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

255:1 Burden of Proof. Amend RSA 491 by inserting after section 22 the following new section: **491:22-a Liability Coverage; Burden of Proof.** In any petition under section 22 to determine the coverage of a liability insurance policy, the burden of proof concerning the coverage shall be upon the insurer whether he institutes the petition or whether the claimant asserting the coverage institutes the petition.

255:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 20, 1969.]

[Effective date August 19, 1969.]

CHAPTER 256.

AN ACT RELATING TO TRAVEL BY STATE EMPLOYEES BETWEEN HOMES AND PLACES OF WORK.

Be it Enacted by the Senate and House of Representatives in General Court convened:

256:1 Travel. Amend RSA 4:15 by inserting at the end of the section the following: (Notwithstanding the preceding provision, the governor and

council may by general regulation provide for the allowance of travel expenses where the department head, assistant or employee has a work assignment away from the place where his department office is located and it is more efficient for such person to proceed directly from his place of residence to such work assignment without reporting at his office) so that said section as amended shall read as follows: **4:15 Departmental Expenditures.** The expenditure of any moneys appropriated or otherwise provided to carry on the work of any department of the state government shall be subject to the approval of the governor, with the advice of the council, under such general regulations as the governor and council may prescribe with reference to all or any of such departments, for the purpose of securing the prudent and economical expenditures of the moneys appropriated. Heads of departments, assistants and employees thereof shall not be allowed as expenses travel between their places of residence and their department offices, nor shall they be allowed board or lodging while in the place in which their offices are located. Notwithstanding the preceding provision, the governor and council may by general regulation provide for the allowance of travel expenses where the department head, assistant or employee has a work assignment away from the place where his department office is located and it is more efficient for such person to proceed directly from his place of residence to such work assignment without reporting at his office.

256:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 20, 1969.]

[Effective date August 19, 1969.]

CHAPTER 257.

AN ACT TO PLACE THE QUESTION OF THE LENGTH OF TERM FOR CERTAIN TOWN OFFICERS ON A PRINTED BALLOT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

257:1 Tax Collector. Amend RSA 41 by inserting after section 2-a, (supp) as inserted by 1967, 243:3, the following new section:

41:2-b Tax Collector.

I. At any annual town meeting under an article in the warrant placed there by petition, the voters may vote to determine if they are in favor of having a three-year term for a tax collector. If the town has adopted an official ballot, the clerk shall cause the following question to be printed on said ballot: "Are you in favor of changing the term of the tax collector from one year to three years, beginning with the term of the tax collector to be elected at next year's regular town meeting?" Said question shall be printed in the form prescribed by RSA 59:12-a. If the town has not adopted an official ballot, the clerk shall cause the same question to be printed upon special ballots which shall be used to determine the vote of the town. If a majority of those voting on the question vote in favor of a three-year term,

at the next annual meeting after the vote of approval, the town shall elect a tax collector for the three-year term.

II. After a three-year term for tax collector has been established, at any annual town meeting held the year before the end of the three-year term, under an article in the warrant placed there by petition, the voters may vote to determine if they are in favor of continuing to have a three-year term for the tax collector. If the town has adopted an official ballot, the clerk shall cause the following question to be printed on said ballot: "Are you in favor of changing the term of the tax collector from three years to one year, beginning with the term of a tax collector who shall be elected at next year's regular town meeting?" Said question shall be printed in the form prescribed by RSA 59:12-a. If the town has not adopted an official ballot, the clerk shall cause the same question to be printed upon special ballots which shall be used to determine the vote of the town. If a majority of those voting on the question do not vote in favor of continuing the three-year term, at the next annual town meeting, the voters shall elect a tax collector for a one-year term as provided by section 2 of this chapter.

III. The provisions of this section shall apply to any town having a population of forty-five hundred inhabitants or over.

257:2 Town Clerk. Amend RSA 41 by inserting after section 16-a (supp) as inserted by 1967, 243:1 the following new section:

41:16-b Town Clerk.

I. At any annual town meeting under an article in the warrant placed there by petition, the voters may vote to determine if they are in favor of having a three-year term for town clerk. If the town has adopted an official ballot, the clerk shall cause the following question to be printed on said ballot: "Are you in favor of changing the term of the town clerk from one year to three years, beginning with the term of the town clerk to be elected at next year's regular town meeting?" Said question shall be printed in the form prescribed by RSA 59:12-a. If the town has not adopted an official ballot, the clerk shall cause the same question to be printed upon special ballots which shall be used to determine the vote of the town. If a majority of those voting on the question vote in favor of a three-year term, at the next annual meeting after the vote of approval, the town shall elect a town clerk for the three-year term. The duties and bond of the town clerk for a three-year term are the same as for a one-year term under section 16 of this chapter.

II. After a three-year term for town clerk has been established, at any annual town meeting held the year before the end of the three-year term, under an article in the warrant placed there by petition, the voters may vote to determine if they are in favor of continuing to have a three-year term for the town clerk. If the town has adopted an official ballot, the clerk shall cause the following question to be printed on said ballot: "Are you in favor of changing the term of the town clerk from three years to one year, beginning with the term of a town clerk who shall be elected at next year's regular town meeting?" Said question shall be printed in the form prescribed by RSA 59:12-a. If the town has not adopted an official ballot, the clerk shall cause the same question to be printed upon special ballots

which shall be used to determine the vote of the town. If a majority of those voting on the question do not vote in favor of continuing the three-year term at the next annual town meeting the voters shall elect a clerk for a one-year term as provided under section 16 of this chapter.

III. The provisions of this section shall apply to any town having a population of forty-five hundred inhabitants or over.

257:3 Town Treasurer. Amend RSA 41 by inserting after section 26-a (supp) as inserted by 1967, 243:2 the following new section:

41:26-b Town Treasurer.

I. At any annual town meeting under an article in the warrant placed there by petition, the voters may vote to determine if they are in favor of having a three-year term for the town treasurer. If the town has adopted an official ballot, the clerk shall cause the following question to be printed on said ballot: "Are you in favor of changing the term of the town treasurer from one year to three years, beginning with the term of the town treasurer to be elected at next year's regular town meeting?" Said question shall be printed in the form prescribed by RSA 59:12-a. If the town has not adopted an official ballot, the clerk shall cause the same question to be printed upon special ballots which shall be used to determine the vote of the town. If a majority of those voting on the question vote in favor of a three-year term at the next annual meeting after the vote of approval, the town shall elect a town treasurer for the three-year term.

II. After a three-year term for town treasurer has been established, at any annual town meeting held the year before the end of the three-year term, under an article in the warrant placed there by petition, the voters may vote to determine if they are in favor of continuing to have a three-year term for the town treasurer. If the town has adopted an official ballot, the clerk shall cause the following question to be printed on said ballot: "Are you in favor of changing the term of the town treasurer from three years to one year, beginning with the term of a town treasurer who shall be elected at next year's regular town meeting?" Said question shall be printed in the form prescribed by RSA 59:12-a. If the town has not adopted an official ballot, the clerk shall cause the same question to be printed upon special ballots which shall be used to determine the vote of the town. If a majority of those voting on the question do not vote in favor of continuing the three-year term, at the next annual town meeting, the voters shall elect a treasurer for a one-year term as provided under section 26 of this chapter.

III. The provisions of this section shall apply to any town having a population of forty-five hundred inhabitants or over.

257:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 20, 1969.]

[Effective date August 19, 1969.]

CHAPTER 258.

AN ACT RELATING TO THE POWER OF PLANNING BOARDS TO
PROMULGATE SUBDIVISION REGULATIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

258:1 Power to Prescribe Lot Size. Amend RSA 36:21 by striking out in lines twenty-three and twenty-four the words "widths, depths and areas of lots so as to avoid congestion of population" and inserting in place thereof the following (areas of lots so as to assure conformance with local zoning ordinances and to assure such additional area as may be needed for each lot for on site sanitary facilities) so that said section as amended shall read as follows: **36:21 Subdivision Regulations; General.** Before exercising the powers referred to in section 19 hereof, the planning board shall adopt regulations governing the subdivisions of land within its jurisdiction. Such regulations may provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, or other public services, or necessitate an excessive expenditure of public funds for the supply of such services. Such regulations may provide for the harmonious development of the municipality and its environs; for the proper arrangement and co-ordination of streets within subdivisions in relation to other existing or planned streets or with features of the official map of the municipality; for open spaces of adequate proportions and for suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access of fire-fighting apparatus and equipment to buildings, and be co-ordinated so as to compose a convenient system. The regulations of the board may require in proper cases that plats showing new streets or narrowing or widening thereof submitted to it for approval shall show a park or parks suitably located for playground or other recreational purposes; they may require that proposed parks shall be of reasonable size for neighborhood playgrounds or other recreation uses, and that the land indicated on plats submitted shall be of such character that it can be used for building purposes without danger to health; they may prescribe minimum areas of lots so as to assure conformance with local zoning ordinances and to assure such additional area as may be needed for each lot for on site sanitary facilities and generally may include provisions which will tend to create conditions favorable to health, safety, convenience, or prosperity.

258:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 20, 1969.]

[Effective date August 19, 1969.]

CHAPTER 259.

AN ACT TO RECLASSIFY A HIGHWAY IN THE TOWN OF JAFFREY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

259:1 Class V highway in Jaffrey. After the effective date of this act, the 0.77 miles of Class V highway, known as Prescott Road in the Town of Jaffrey, beginning at the end of Cathedral of the Pines Road at the Rindge town line and running northerly to N. H. Route 124 is classified as a Class II highway.

259:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 20, 1969.]

[Effective date August 19, 1969.]

CHAPTER 260.

AN ACT REGULATING UNAUTHORIZED AND UNLICENSED INSURANCE COMPANIES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

260:1 Purpose. Amend RSA 406-B:1, as inserted by 1967, 237:1, by striking out in line fifteen after the word "insurers" the word "and" and by inserting in line sixteen after the word "state" the following (and to protect the premium tax revenues of this state) so that said section as amended shall read as follows: **406-B:1 Purpose.** The purpose of this chapter is to subject certain persons and insurers to the jurisdiction of the commissioner, of proceedings before the commissioner, and of the courts of this state in suits by or on behalf of the state and insureds or beneficiaries under insurance contracts. The legislature declares that it is a subject of concern that many residents of this state hold policies of insurance issued by persons and insurers not authorized to do business in this state, thus presenting to such residents the often insuperable obstacle of asserting their legal rights under such policies in forums foreign to them under laws and rules of practice with which they are not familiar. The legislature declares that it is also concerned with the protection of residents of this state against acts by persons and insurers not authorized to do an insurance business in this state by the maintenance of fair and honest insurance markets, by protecting authorized persons and insurers, which are subject to strict regulation, from unfair competition by unauthorized persons and insurers by protecting against the evasion of the insurance regulatory laws of this state and to protect the premium tax revenues of this state. In furtherance of such state interest, the legislature herein provides methods for substituted service of process upon such persons or insurers in any proceeding, suit or action in any court and substitute service of any notice, order, pleading or process upon such persons or insurers in any proceeding before the commissioner to enforce or effect full compliance with the insurance and tax

statutes of this state, and declares in so doing it exercises its power to protect residents of this state and to define what constitutes doing an insurance business in this state, and also exercises powers and privileges available to this state by virtue of P.L. 79-15 (1945), (chapter 20, 1st sess., S. 340), 59 Stat. 33, as amended, which declares that the business of insurance and every person engaged therein shall be subject to the laws of the several states.

260:2 Definition of Insurance Business. Amend RSA 406-B:2, I, as inserted by 1967, 237:1 by striking out in lines one through eight the words "Any of the following acts in this state effected by mail or otherwise is defined to be doing an insurance business in this state, except as otherwise excluded from the operation of this chapter by sub-paragraph II (c) hereof. Unless otherwise indicated, the term "insurer" as used in this chapter includes all corporations, associations, partnerships, and individuals engaged as principals in the business of insurance and also includes inter-insurance exchanges and mutual benefit societies. The word "commissioner" shall mean the insurance commissioner." and inserting in place thereof the following (Any of the following acts in this state effected by mail or otherwise by or on behalf of an unauthorized insurer is deemed to constitute the transaction or doing of an insurance business in this state. The venue of an act committed by mail is at the point where the matter transmitted by mail is delivered and takes effect. Unless otherwise indicated, the term "insurer" as used in this section includes all corporations, associations, partnerships and individuals, engaged as principals in the business of insurance and also includes interinsurance exchanges and mutual benefit societies. The word "commissioner" shall mean the insurance commissioner) and by inserting in line twenty-two, after the word "insurance" the following (or renewals thereof) so that said paragraph as amended shall read as follows: I. Any of the following acts in this state effected by mail or otherwise by or on behalf of an unauthorized insurer is deemed to constitute the transaction or doing of an insurance business in this state. The venue of an act committed by mail is at the point where the matter transmitted by mail is delivered and takes effect. Unless otherwise indicated, the term "insurer" as used in this section includes all corporations, associations, partnerships and individuals, engaged as principals in the business of insurance and also includes interinsurance exchanges and mutual benefit societies. The word "commissioner" shall mean the insurance commissioner.

(a) The making of or proposing to make, as an insurer, an insurance contract.

(b) The making of or proposing to make, as guarantor or surety, any contract of guaranty or suretyship as a vocation and not merely incidental to any other legitimate business or activity of the guarantor or surety.

(c) The taking or receiving of any application for insurance.

(d) The receiving or collection of any premium, commission, membership fees, assessments, dues or other consideration for any insurance or any part thereof.

(e) The issuance or delivery of contracts of insurance to residents of this state or to persons authorized to do business in this state.

(f) Directly or indirectly acting as an agent for or otherwise represent-

ing or aiding on behalf of another any person or insurer in the solicitation, negotiation, procurement, or effectuation of insurance or renewals thereof, or in the dissemination of information as to coverage or rates, or forwarding or applications, or delivery of policies or contracts, or inspection of risks, a fixing of rates or investigation or adjustment of claims or losses or in the transaction of matters subsequent to effectuation of the contract and arising out of it, or in any other manner representing or assisting a person or insurer in the transaction of insurance with respect to subjects of insurance resident, located or to be performed in this state. The provisions of this section shall not operate to prohibit full-time salaried employees of a corporate insured from acting in the capacity of an insurance manager or buyer in placing insurance in behalf of such employer.

(g) The doing of any kind of insurance business specifically recognized as constituting the doing of an insurance business within the meaning of the statutes relating to insurance.

(h) The doing or proposing to do any insurance business in substance equivalent to any of the foregoing in a manner designed to evade the provisions of the statutes.

(i) Any other transactions of business in this state by an insurer.

260:3 Group Policies. Amend RSA 406-B:2, II, as inserted by 1967, 237:1, by striking out subparagraph (f) thereof and inserting in place thereof the following ((f) Transactions in this state involving group life and group sickness and accident or blanket sickness and accident insurance or group annuities where the master policy of such groups was lawfully issued and delivered in and pursuant to the laws of a state in which the insurer was authorized to do an insurance business, to a group organized for purposes other than the procurement of insurance, and where the policyholder is domiciled or otherwise has a bona fide situs.) and by inserting after subparagraph (g) thereof the following new subparagraphs: ((h) Transactions in this state involving any policy of insurance or annuity contract issued prior to the effective date of this act. (i) Transactions in this state relative to a policy issued or to be issued outside this state involving insurance on vessels, craft or hulls, cargos, marine builder's risk, marine protection and indemnity or other risk, including strikes and war risks commonly insured under ocean or wet marine forms of policy. (j) This chapter shall not apply to any life insurance or annuity company organized and operated, without profit to any private shareholder or individual, exclusively for the purpose of aiding educational or scientific institutions organized and operated without profit to any private shareholder or individual, by issuing insurance and annuity contracts direct from the home office of the company and without agents or representatives in this state, only to or for the benefit of such institutions and individuals engaged in the service of such institutions; nor shall this chapter apply to any insurance or annuity contracts issued by any such life insurance or annuity company. (k) The provisions of this chapter, other than the provisions of sections 2, 4, and 5, do not apply to ocean marine insurance.) so that said paragraph, as amended, shall read as follows:

II. The provisions of this section do not apply to:

(a) The lawful transaction of surplus lines insurance.

(b) The lawful transaction of reinsurance by insurers.

(c) Transactions in this state involving a policy lawfully solicited, written, and delivered outside of this state covering only subjects of insurance not resident, located, or expressly to be performed in this state at the time of issuance, and which transactions are subsequent to the issuance of such policy.

(d) Transactions involving contracts of insurance independently procured through negotiations occurring entirely outside of this state which are reported in accordance with section 12.

(e) Attorneys acting in the ordinary relation of attorney and client in the adjustment of claims or losses.

(f) Transactions in this state involving group life and group sickness and accident or blanket sickness and accident insurance or group annuities where the master policy of such groups was lawfully issued and delivered in and pursuant to the laws of a state in which the insurer was authorized to do an insurance business, to a group organized for purposes other than the procurement of insurance, and where the policyholder is domiciled or otherwise has a bona fide situs.

(g) Any insurance company or underwriter issuing contracts of insurance to industrial insureds, nor to any contract of insurance issued to any one or more industrial insureds. Every industrial insured under a contract procured from an unauthorized insurer shall pay to the commissioner of insurance before March 1 next succeeding the calendar year in which the insurance was so effectuated, continued, or renewed a premium receipts tax of three per cent of the gross premiums charged for such insurance. For the purposes of this section, an "industrial insured" is:

(1) An insured who procures the insurance of any risk or risks other than life and annuity contracts by use of the services of a full time employee acting as an insurance manager or buyer or the services of a regularly and continuously retained qualified insurance consultant; and

(2) An insured whose aggregate annual premiums for insurance on all risks total at least fifteen thousand dollars; and

(3) An insured having at least twenty-five full time employees.

(h) Transactions in this state involving any policy of insurance or annuity contract issued prior to the effective date of this act.

(i) Transactions in this state relative to a policy issued or to be issued outside this state involving insurance on vessels, crafts or hulls, cargos, marine builder's risk, marine protection and indemnity or other risk, including strikes and war risks commonly insured under ocean or wet marine forms of policy.

(j) This chapter shall not apply to any life insurance or annuity company organized and operated, without profit to any private shareholder or individual, exclusively for the purpose of aiding educational or scientific institutions organized and operated without profit to any private shareholder or individual, by issuing insurance and annuity contracts direct from the home office of the company and without agents or representatives in this state, only to or for the benefit of such institutions and individuals engaged in the service of such institutions; nor shall this chapter apply to

any insurance or annuity contracts issued by any such life insurance or annuity company.

(k) The provisions of this chapter, other than the provisions of sections 2, 4, and 5, do not apply to ocean marine insurance.

260:4 Effect of Insuring Without Authority. Amend RSA 406-B:8, as inserted by 1967, 237:1, by striking out said section and inserting in place thereof the following:

406-B:8 Validity of Insurance Contracts.

I. Except for lawfully procured surplus lines insurance and contracts of insurance independently procured, through negotiations occurring entirely outside of this state which are reported in accordance with section 12, any contract of insurance effective in this state and entered into by an unauthorized insurer is unenforceable by such insurer. In event of failure of any such unauthorized insurer to pay any claim or loss within the provisions of such insurance contract, any person who assisted or in any manner aided directly or indirectly in the procurement of such insurance contract shall be liable to the insured for the full amount thereof pursuant to the provisions of such insurance contract.

II. The failure of an insurer transacting insurance business in this state to obtain a certificate of authority shall not impair the validity of any act or contract of such insurer and shall not prevent such insurer from defending any action at law or suit in equity in any court of this state, but no insurer transacting insurance business in this state without a certificate of authority shall be permitted to maintain an action in any court of this state to enforce any right, claim or demand arising out of the transaction of such business until such insurer shall have obtained a certificate of authority.

260:5 Injunction. Amend RSA 406-B:9 as inserted by 1967, 237:1 by inserting after paragraph II the following new paragraph: III. Whenever the commissioner believes, from evidence satisfactory to him, that any insurer is violating or about to violate the provisions of this act, the commissioner may, with the assistance of the attorney general of this state, cause a complaint to be filed in the Merrimack county superior court to enjoin and restrain such insurer from continuing such violation or engaging therein or doing any act in furtherance thereof. The court shall have jurisdiction of the proceeding and shall have the power to make and enter an order or judgment awarding such preliminary or final injunctive relief as in its judgment is proper.

260:6 Penalties. Amend RSA 406-B:13 as inserted by 1967, 237:1 by striking out in line three the word "five" and inserting in place thereof the word (ten) and by inserting in line seven after the word "month" the following (or fraction thereof) so that said section as amended shall read as follows:

406-B:13 Penalty for Unauthorized Insurance.

I. Any unauthorized insurer who does any unauthorized act of an insurance business as set forth in section 2 shall be fined not more than ten thousand dollars.

II. In addition to any other penalty provided for herein or otherwise provided by law, any person or insurer violating this chapter shall be fined five hundred dollars for the first offense and an additional sum of five hundred dollars for each month or fraction thereof during which any such person or insurer continues such violation.

260:7 Reciprocal Judgment; Short Title; Separability. Amend RSA 406-B, as inserted by 1967, 237:1, by inserting after section 13 thereof the following new sections:

406-B:13-a Reciprocal Judgment.

I. Definition — In this section:

(a) "Reciprocal state" means any state or territory of the United States the laws of which contain procedures substantially similar to those specified in this section for the enforcement of decrees or orders in equity issued by courts located in other states or territories of the United States, against any insurer incorporated or authorized to do business in said state or territory.

(b) "Foreign decree" means any decree or order in equity of a court located in a "reciprocal state", including a court of the United States located therein, against any insurer incorporated or authorized to do business in this state.

(c) "Qualified party" means a state regulatory agency acting in its capacity to enforce the insurance laws of its state.

II. List of Reciprocal States. The insurance commissioner of this state shall determine which states and territories qualify as reciprocal states and shall maintain at all times an up-to-date list of such states.

III. Filing and Status of Foreign Decrees. A copy of any foreign decree authenticated in accordance with the statutes of this state may be filed in the office of the clerk of any superior court of this state. The clerk, upon verifying with the insurance commissioner that the decree or order qualifies as a "foreign decree" shall treat the foreign decree in the same manner as a decree of a superior court of this state. A foreign decree so filed has the same effect and shall be deemed as a decree of a superior court of this state, and is subject to the same procedures, defenses and proceedings for reopening, vacating, or staying as a decree of a superior court of this state and may be enforced or satisfied in like manner.

IV. Notice of Filing.

(a) At the time of the filing of the foreign decree, the attorney general shall make and file with the clerk of the court an affidavit setting forth the name and last known post office address of the defendant.

(b) Promptly upon the filing of the foreign decree and the affidavit, the clerk shall mail notice of the filing of the foreign decree to the defendant at the address given and to the insurance commissioner of this state and shall make a note of the mailing in the docket. In addition, the attorney general may mail a notice of the filing of the foreign decree to the defendant and to the insurance commissioner of this state and may file proof of mailing with the clerk. Lack of mailing notice of filing by the clerk shall not affect the enforcement proceedings if proof of mailing by the attorney general has been filed.

(c) No execution or other process for enforcement of a foreign decree filed hereunder shall issue until thirty days after the date the decree is filed.

V. Stay.

(a) If the defendant shows the superior court that an appeal from the foreign decree is pending or will be taken, or that a stay of execution has been granted, the court shall stay enforcement of the foreign decree until the appeal is concluded, the time for appeal expires, or the stay of execution expires or is vacated, upon proof that the defendant has furnished the security for the satisfaction of the decree required by the state in which it was rendered.

(b) If the defendant shows the superior court any ground upon which enforcement of a decree of any superior court of this state would be stayed, the court shall stay enforcement of the foreign decree for an appropriate period, upon requiring the same security for satisfaction of the decree which is required in this state.

VI. Fees. Any person filing a foreign decree shall pay to the clerk of court ten dollars. Fees for docketing, transcription or other enforcement proceedings shall be as provided for decrees of the superior court.

406-B:13-b Short Title. This act may be cited as the "Uniform Unauthorized Insurers Act."

406-B:13-c Separability. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision and to this end the provisions of this act are declared to be severable.

260:8 Effective Date. This act shall take effect upon its passage.

[Approved June 20, 1969.]

[Effective date June 20, 1969.]

CHAPTER 261.

AN ACT RELATIVE TO DEFINING THE APPROACH CHANNEL TO RYE HARBOR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

261:1 Approach Channel. Amend RSA 211:19-a, III (supp) as inserted by 1965, 170:1 by striking out in lines six through nineteen all after the words "Ragged Neck point" and inserting in place thereof the following (The harbor master may designate and buoy at his discretion a channel, at least one hundred feet wide, running from the jetties at the harbor entrance to a point in the vicinity of the whistling buoy. Said channel as designated shall be the approach channel to Rye harbor) so that said paragraph as amended shall read as follows: III. Rye harbor as used in this section means the area below high water mark inside the northeast and southwest breakwater on the seashore at Rye, and an area west of an imaginary line beginning two hundred feet seaward from the day marker on the

northeast jetty on the northeast boundary of the channel and running northeasterly at right angles to the northeast boundary of the channel to Ragged Neck point. The harbor master may designate and buoy at his discretion a channel, at least one hundred feet wide, running from the jetties at the harbor entrance to a point in the vicinity of the whistling buoy. Said channel as designated shall be the approach channel to Rye harbor.

261:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 20, 1969.]

[Effective date August 19, 1969.]

CHAPTER 262.

AN ACT TO RECLASSIFY A CLASS V HIGHWAY IN THE TOWN OF THORNTON
TO A CLASS II HIGHWAY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

262:1 Class V highway in Thornton. After the effective date of this act, the 0.78 miles of class V highway, known as the West Thornton Road, which begins at U. S. Route 3 in Thornton and runs easterly across the Pemigewasset River to N. H. Route 175, is classified a class II highway.

262:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 20, 1969.]

[Effective date August 19, 1969.]

CHAPTER 263.

AN ACT RELATIVE TO A PERIODIC VERIFICATION OF THE CHECK-LIST.

Be it Enacted by the Senate and House of Representatives in General Court convened:

263:1 Verification Every Ten Years. Amend RSA 69 by inserting after section 26 the following new section:

69:26-a Verification Every Ten Years.

I. In addition to any verification procedure carried out under the provisions of the foregoing section, the supervisors shall verify the check-list once every ten years, beginning in 1971.

II. Between April 1 and August 1 during each year ending with a one, the supervisors shall advertise notice of their sessions at least twice in some newspaper of general circulation in the town or city in question and hold sufficient sessions for verification of the check-list as in their opinion will

enable all eligible voters in said town or ward to appear before them during said period and register or reregister as the case may be. Whenever a person is reregistered, his party designation, if any, on the check-list undergoing revision shall not be changed except as provided in section 40 of chapter 56.

III. Beginning June 1 during each year ending with a one, the supervisors shall review the check-list and shall strike therefrom the names of all persons who have not registered or reregistered under paragraph I hereof; provided that there shall not be stricken from said check-list the name of any person duly qualified to vote, unless such person, not less than thirty days prior to such action, shall have been notified by the supervisors by certified mail at his last known address of his failure to reregister and informed of the procedure to be followed in order to reregister and have his name retained on said check-list, nor unless such person shall have been given a reasonable opportunity to follow said procedure. Provided further that if a majority of the supervisors have personal knowledge of the voting qualifications of any person who by July 30 has failed to reregister hereunder, they may retain his name on the revised check-list.

IV. Upon completion of verification of the check-list but in no event later than September 1, the supervisors shall file with the secretary of state the following certificate: We, the supervisors of the check-list (or registrars of voters) of the town (or ward) of , do hereby certify that we have verified the check-list of registered voters in the town (or ward of the city) of pursuant to the provisions of RSA 69:26-a.

V. In verifying the check-list in accordance with the provisions hereof, the supervisors shall not register or reregister any person unless he is a duly qualified voter as required by the provisions of chapters 54 and 55 of the Revised Statutes Annotated.

VI. The supervisors may appoint such temporary assistant supervisors as may be necessary. As compensation for services performed hereunder, the supervisors and assistant supervisors shall receive such sums as may be voted by the city government or town meeting of the city or town in which they serve.

263:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 20, 1969.]

[Effective date August 19, 1969.]

CHAPTER 264.

AN ACT RELATIVE TO LIQUOR AND BEVERAGE LICENSES AND PERMITS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

264:1 Restriction. Amend RSA 181:14 by striking out the first sentence

thereof and inserting in place thereof the following sentence: (The holder of a manufacturer's or wholesaler's permit may hold one off-sale permit and one on-sale permit with respect to the premises designated in such manufacturer's or wholesaler's permit provided that said on-sale permit is issued in connection with the granting of a first-class restaurant license) so that said section as amended shall read as follows: **181:14 Restriction.** The holder of a manufacturer's or wholesaler's permit may hold one off-sale permit and one on-sale permit with respect to the premises designated in such manufacturer's or wholesaler's permit provided that said on-sale permit is issued in connection with the granting of a first-class restaurant license. The holder of a wholesaler's permit shall maintain a regular place of business in this state. The holder of a manufacturer's permit shall not sell beverages to other permittees by virtue of such permit unless such beverages were manufactured in this state. Retail permittees shall purchase only from holders of a wholesaler's or manufacturer's permit.

264:2 Licenses for Certain Restaurants. Amend RSA 181 by inserting after section 14 the following: **181:14-a Licenses for Restaurants on Manufacturer's or Wholesaler's Premises.** The holder of a manufacturer's or wholesaler's permit, or his designee, may be issued licenses and a permit pursuant to the provisions of RSA 178:3-a, 178:3-c and 181:4 in the discretion of the commission. The annual fee for each license and permit issued under this section shall be the same as required from licensees and permittees under RSA 178:3-a and 181:16.

264:3 Employment of Minors; Exception. Amend RSA 175 by inserting after section 8-b the following new section: **175:8-c Employment of Minors; Exception.** Notwithstanding the provisions of section 8 of this chapter, holders of manufacturer's permits under the provisions of RSA 181:8 may employ minors of eighteen years of age or over, provided that such minors shall not be employed as a solicitor under the provisions of RSA 181:10.

264:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 20, 1969.]

[Effective date August 19, 1969.]

CHAPTER 265.

AN ACT PROTECTING RIGHTS OF OFFICIALS AND EMPLOYEES AT RACE MEETS FROM DAMAGE SUITS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

265:1 Race Meets and Racing Commission. Amend RSA 284 by inserting after section 20 the following new section: **284:20-a Rights Protected.** No licensee conducting a race or meet hereunder, no member of the state racing commission, no steward, judge, or assistant official appointed to act as such pursuant to the provisions of this chapter, shall be liable for dam-

ages to any person, association or corporation for any cause whatsoever arising out of or from the performance by such licensee, commissioner, steward, judge or assistant official of his duties and the exercise of his discretion with respect thereto, so long as he acted in good faith, without malice or improper motive.

265:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 20, 1969.]

[Effective date August 19, 1969.]

CHAPTER 266.

AN ACT REMOVING DEBTS INCURRED BY A HOUSING AUTHORITY FROM THE STATUTORY LIMITATIONS PLACED ON DEBTS OF MUNICIPALITIES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

266:1 Housing Authority Debts. Amend RSA 203:23, XII as inserted by 1961, 39:1 by inserting at the end thereof the following (providing that any debt incurred as a result of the sale of such bonds or notes, by a municipality which has a population of more than sixty thousand as of the last published Federal census preceding such sale, shall be a debt outside of the statutory debt limit of the municipality and shall at no time be included in the net indebtedness of such municipality for the purpose of ascertaining its borrowing capacity) so that said paragraph as amended shall read as follows: XII. Any municipality may issue and sell its general obligation bonds or notes to raise funds to be donated to a housing authority or used in the exercise of any of the other powers granted to the municipality under the provisions of RSA 203 and RSA 205, providing that any debt incurred as a result of the sale of such bonds or notes, by a municipality which has a population of more than sixty thousand as of the last published Federal census preceding such sale, shall be a debt outside of the statutory debt limit of the municipality and shall at no time be included in the net indebtedness of such municipality for the purpose of ascertaining its borrowing capacity.

266:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 20, 1969.]

[Effective date August 19, 1969.]

CHAPTER 267.

AN ACT AMENDING THE HOUSING AUTHORITIES LAW TO PROVIDE ADDITIONAL DWELLING UNITS FOR FAMILIES OF LOW INCOME.

Be it Enacted by the Senate and House of Representatives in General Court convened:

267:1 Powers of Housing Authority. Amend RSA 203:8, II by inserting at the end thereof the following (and to contract with the owners or operators of any real property to make available to persons of low income at rentals within the financial reach of such persons all or part of any housing project to be constructed on any real property and all or part of any housing project to be reconstructed in the rehabilitation of any structure or structures on any real property. The phrase "owners or operators" as used herein shall mean corporations or partnerships organized and operated exclusively for religious, charitable, scientific, literary or educational purposes, no part of the net earnings of which accrues to the benefit of any private shareholder or individual; and the phrase also shall mean limited dividend corporations as defined by the assistant secretary-commissioner of the Federal Housing Administration of the United States government) so that said paragraph as amended shall read as follows: II. Within its area of operation: to prepare, carry out, acquire, lease and operate housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof, and to contract with the owners or operators of any real property to make available to persons of low income at rentals within the financial reach of such persons all or part of any housing project to be constructed on any real property and all or part of any housing project to be reconstructed in the rehabilitation of any structure or structures on any real property. The phrase "owners or operators" as used herein shall mean corporations or partnerships organized and operated exclusively for religious, charitable, scientific, literary or educational purposes, no part of the net earnings of which accrues to the benefit of any private shareholder or individual; and the phrase also shall mean limited dividend corporations as defined by the assistant secretary-commissioner of the Federal Housing Administration of the United States government.

267:2 Tax Exemption for Low Income Housing. Amend RSA 203:23 as amended by 1961, 39:1 and 1965, 109:2 by inserting after paragraph XIII (supp) the following new paragraph: XIV. Enter into agreements with a housing authority to exempt from all taxes and special assessments all or part of any housing project provided under contracts with owners or operators of any real property during the period such housing project or any part thereof is made available for families of low income as provided in paragraph 203:8, II and even though a housing authority does not become the owner of any such real property as a result of any such contract or contracts. Real property so made available, is declared to be used for essential public and governmental purposes and such real property shall be exempt from all taxes and special assessments of the state or any political subdivision for the period so made available; provided that, in lieu of such taxes, an authority may require that the owners or operators of any such real property shall make such payments to the state or any political subdivision as the authority finds consistent with the maintenance of the low-rent character of the housing projects or the achievement of the purpose of the housing authorities law. On or before March 1 of each year, the authority shall furnish to the municipality a certificate setting forth the real property to be exempt from all taxes and special assessments as provided herein during the ensuing tax year. This paragraph shall apply only to municipalities

which have a population of more than sixty thousand as of the last published Federal census at the time of the approval of any such exemption.

267:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 20, 1969.]

[Effective date August 19, 1969.]

CHAPTER 268.

AN ACT RELATIVE TO QUALIFICATION OF A PERSON TO BE APPOINTED AS A
BANK OFFICIAL.

Be it Enacted by the Senate and House of Representatives in General Court convened:

268:1 Bank Officials. Amend RSA 383:6, as amended by 1959, 199:5 by inserting at the end thereof the words: (The provisions of this section relative to indebtedness to a corporation or association under the supervision of the commissioner shall not disqualify a person who, at the time of his appointment, is indebted to such corporation or association for a home mortgage loan) so that said section as amended shall read as follows: **383:6 Qualifications.** No person who is not a resident of the state at the time of his appointment or who fails to become a resident of the state within one year after his appointment, and no person who is indebted to any corporation or association under the supervision of the commissioner, or who holds any stock or office in any such corporation or association, or who is engaged as principal or agent in the business of selling or negotiating in this state loans, stocks, or securities of any kind, or who is an officer or stockholder in any corporation engaged in such business, shall be eligible to hold or continue to hold the office of commissioner, deputy commissioner or assistant commissioner. The provisions of this section relative to indebtedness to a corporation or association under the supervision of the commissioner shall not disqualify a person who, at the time of his appointment, is indebted to such corporation or association for a home mortgage loan.

268:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1969.]

[Effective date August 22, 1969.]

CHAPTER 269.

AN ACT RELATIVE TO FUNDS FOR STATE NURSING SCHOLARSHIP PROGRAM.

Be it Enacted by the Senate and House of Representatives in General Court convened:

269:1 Maximum Amount of Aid. Amend RSA 326:32 as inserted by 1957, 288:3 and amended by 1959, 221:1 and 1963, 265:1 by striking out in

lines three through eight the words "The maximum amount which the board may grant to any one student nurse in basic professional nursing training shall not exceed one thousand dollars for the three or four-year period of which not over five hundred dollars may be awarded for the first year, not over three hundred dollars for the second year and not over two hundred dollars for the third and/or fourth year," and inserting in place thereof the words (The maximum amount which the board may grant to any one student nurse in a basic program preparing for licensure as a registered nurse shall not exceed a total of twelve hundred dollars for the two, three or four year period and no more than four hundred dollars shall be granted for any one year) so that the said section as amended shall read as follows: 326:32 **Amount of Aid.** The maximum amount which the board may grant to any one student nurse in basic practical nursing training shall be two hundred fifty dollars during her course of study. The maximum amount which the board may grant to any one student nurse in a basic program preparing for licensure as a registered nurse shall not exceed a total of twelve hundred dollars for the two, three or four year period and no more than four hundred dollars shall be granted for any one year, and to any one registered nurse in advanced nursing education shall not exceed one thousand dollars per year for a period of not more than two years, all of which shall be paid to the student or registered nurse subject to such rules and restrictions as the board may impose. Said rules may include provisions relative to times when payments shall be made of the grants provided for hereunder.

269:2 **Effective Date.** This act shall take effect sixty days after its passage.

[Approved June 23, 1969.]

[Effective date August 22, 1969.]

CHAPTER 270.

AN ACT TO PROHIBIT THE DOPING AND STIMULATING OF ANIMALS ENGAGED IN PULLING CONTESTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

270:1 **Doping and Stimulating Prohibited.** Amend RSA 443 by inserting after section 89 the following new subdivision:

Pulling Contests

443:90 **Doping and Stimulating.** It is unlawful for any person to administer internally or externally a drug, or stimulants, or appliances of a nature that could affect or alter the normal performance of an animal entered in a pulling contest.

443:91 **Test Authorized.** The commissioner of agriculture is hereby authorized to take such tests of the saliva and/or urine of any animal entered in a pulling contest as he may deem necessary. If a drug is found in

the chemical analysis of said saliva or urine, it shall be prima facie evidence that the drug has been administered.

443:92 — Hearing, Finding, Order, etc. Within fourteen days from the date test results are received by the commissioner, the commissioner shall notify the fair association or management of said pulling contest and the animal's owner of the results thereof. If the presence of a drug is found in said test, the commissioner shall hold a hearing, whereat the owner of the animal or his representative may appear and be heard. On the basis of all the evidence presented, the commissioner of agriculture shall make a finding as to whether the provisions of section 90 have been violated, and shall make an appropriate order as to whether the owner, his representative and the animal, or any of them, shall be eligible to participate in any future state, county, district or community fair pulling contest, or any other pulling contest in New Hampshire.

443:93 — Pending Decision. The owner of an animal in which the test results show a drug present, his representative, and all animals owned or leased to them shall be ineligible to participate in or receive premiums offered at any county, district, or community fair or any other pulling contest in New Hampshire pending an investigation, finding, and order of the commissioner of agriculture.

443:94 Rules and Regulations. The commissioner of agriculture or his agent may make rules and regulations as necessary to carry out the intent of this subdivision.

443:95 Appeal. Any person aggrieved by a finding and order of the commissioner of agriculture in the enforcement of this subdivision may appeal to the superior court in the county in which the pulling contest was held in accordance with the provisions of RSA 541.

270:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1969.]

[Effective date August 22, 1969.]

CHAPTER 271.

AN ACT PROVIDING INSURANCE EQUALITY FOR CHIROPRACTORS, OSTEOPATHS,
OPTOMETRISTS, AND PODIATRISTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

271:1 Form of Policy. Amend RSA 415:5 (A) by inserting after subparagraph (7) the following new subparagraph: (8) wherever such policy provides for reimbursement for any service which may be legally performed by a person licensed in this state for the practice of osteopathy, chiropractic, podiatry or optometry, said policy contains a provision for reimbursement for such service when performed by a person so licensed.

271:2 Group or Blanket Policy Provisions. Amend RSA 415:18 by inserting after paragraph V (supp) as inserted by 1969, 163:1 the following

new paragraph: VI. Notwithstanding any provision of any policy of insurance issued under the provisions of this section, whenever such policy provides for reimbursement for any service which may be legally performed by a person licensed in this state for the practice of osteopathy, chiropractic, podiatry or optometry reimbursement under such policy shall not be denied when such service is rendered by a person so licensed.

271:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1969.]

[Effective date August 22, 1969.]

CHAPTER 272.

AN ACT RELATIVE TO THE REHABILITATION AND LIQUIDATION OF INSURERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

272:1 New Chapter. Amend RSA by inserting after chapter 402-B (supp) as inserted by 1969, 218:1 the following new chapter:

Chapter 402-C

Insurers Rehabilitation and Liquidation

402-C:1 Title, Construction and Purpose.

I. Short Title. This chapter may be cited as the "Insurers Rehabilitation and Liquidation Act."

II. Construction: No Limitation of Powers. This chapter shall not be interpreted to limit the powers granted the commissioner by other provisions of the law.

III. Liberal Construction. This chapter shall be liberally construed to effect the purpose stated in paragraph IV.

IV. Purpose. The purpose of this chapter is the protection of the interests of insureds, creditors, and the public generally, with minimum interference with the normal prerogatives of proprietors, through:

(a) Early detection of any potentially dangerous condition in an insurer, and prompt application of appropriate corrective measures, neither unduly harsh nor subject to the kind of publicity that would needlessly damage or destroy the insurer;

(b) Improved methods for rehabilitating insurers, by enlisting the advice and management expertise of the insurance industry;

(c) Enhanced efficiency and economy of liquidation, through clarification and specification of the law, to minimize legal uncertainty and litigation;

(d) Equitable apportionment of any unavoidable loss;

(e) Lessening the problems of interstate rehabilitation and liquidation by facilitating co-operation between states in the liquidation process, and

by extension of the scope of personal jurisdiction over debtors of the insurer outside this state; and

(f) Regulation of the insurance business by the impact of the law relating to delinquency procedures and substantive rules on the entire insurance business.

402-C:2 Persons Covered. The proceedings authorized by this chapter may be applied to:

I. All insurers who are doing, or have done, an insurance business in this state, and against whom claims arising from that business may exist now or in the future;

II. All insurers who purport to do an insurance business in this state;

III. All insurers who have insureds resident in this state;

IV. All other persons organized or in the process of organizing with the intent to do an insurance business in this state; and

V. All hospital and medical service plans as defined in RSA 419 and RSA 420 and all fraternal benefit and mutual benefit societies as defined in RSA 418.

402-C:3 Definitions. For the purposes of this chapter:

I. "Commissioner" means the commissioner of insurance or equivalent insurance supervisory official.

II. "Receiver" means receiver, liquidator, rehabilitator or conservator, as the context requires.

III. "Insurer" means any person who is doing, has done, purports to do or is licensed to do an insurance business and is or has been subject to the authority of, or to liquidation, rehabilitation, reorganization or conservation by, a commissioner. For purposes of this chapter, all other persons included under this section shall be deemed to be insurers.

IV. "Delinquency proceeding" means any proceeding commenced against an insurer for the purpose of liquidating, rehabilitating, reorganizing or conserving such insurer, and any summary proceeding under sections 11 to 14.

V. "State" means any state of the United States and the Panama Canal Zone.

VI. "Foreign country" means territory not in any state.

VII. "Domiciliary state" means the state in which an insurer is incorporated or organized or, in the case of an alien insurer, the state in which the insurer has, at the commencement of delinquency proceedings, the largest amount of its assets held in trust and on deposit for the benefit of policyholders and creditors in the United States.

VIII. "Ancillary state" means any state other than a domiciliary state.

IX. "Reciprocal state" means any state other than this state in which in substance and effect paragraph I of section 21, paragraphs I and II of section 54 and sections 55, 57, and 60 are in force, and in which provisions are in force requiring that the commissioner be the receiver of a delinquent

insurer, and in which some provision exists for the avoidance of fraudulent conveyances and preferential transfers.

X. "General assets" means all property, real, personal or otherwise, not specifically mortgaged, pledged, deposited or otherwise encumbered for the security or benefit of specified persons or limited classes of persons, and as to specifically encumbered property the term includes all such property or its proceeds in excess of the amount necessary to discharge the sums secured thereby. Assets held in trust and on deposit for the security or benefit of all policyholders or all policyholders and creditors, in more than a single state, shall be treated as general assets.

XI. "Preferred claim" means any claim with respect to which the law accords priority of payment from the general assets of the insurer.

XII. "Special deposit claim" means any claim secured by a deposit made pursuant to law for the security or benefit of one or more limited classes of persons, but not including any claim secured by general assets.

XIII. "Secured claim" means any claim secured by mortgage, trust deed, pledge, deposit as security, escrow or otherwise, but not including special deposit claims or claims against general assets. The term also includes claims which have become liens upon specific assets by reason of judicial process, except where they have been invalidated.

XIV. "Insolvency" means:

(a) For an insurer organized as a town or county mutual, the inability to pay any loss within thirty days after the due date specified in the first assessment notice issued after the date of the loss, or any other uncontested debt as it becomes due.

(b) For any other insurer, that it is unable to pay its debts or meet its obligations as they mature or that its assets do not exceed its liabilities plus the greater of 1.) any capital and surplus required by law to be constantly maintained, or 2.) its authorized and issued capital stock. For purposes of this subsection, "assets" includes one-half of the maximum total assessment liability of the policyholders of the insurer, and "liabilities" includes reserves required by law. For policies issued on the basis of unlimited assessment liability, the maximum total liability, for purposes of determining solvency only, shall be deemed to be that amount that could be obtained if there were one hundred percent collection of an assessment at the rate of ten mills.

XV. "Fair consideration" is given for property or an obligation:

(a) When in exchange for such property or obligation, as a fair equivalent therefor, and in good faith, property is conveyed or services are rendered or obligation is incurred or an antecedent debt is satisfied; or

(b) When such property or obligation is received in good faith to secure a present advance or antecedent debt in amount not disproportionately small as compared to the value of the property or obligation obtained.

XVI. "Creditor" is a person having any claim, whether matured or unmatured, liquidated or unliquidated, secured or unsecured, absolute, fixed or contingent.

XVII. "Transfer" includes the sale and every other method, direct or indirect, of disposing of or of parting with property or with an interest therein or with the possession thereof or of fixing a lien upon property or upon an interest therein, absolutely or conditionally, voluntarily or involuntarily, by or without judicial proceedings. The retention of a security title to property delivered to a debtor shall be deemed a transfer suffered by the debtor.

XVIII. "Doing business" has the meaning designated in RSA 406-B:2. 402-C:4 Jurisdiction and Venue.

I. Actions by Commissioner. Except as provided in paragraph II of this section and paragraph I of section 24, no delinquency proceeding shall be commenced under this chapter by anyone other than the commissioner of this state and no court shall have jurisdiction to entertain, hear or determine any proceeding commenced by any other person.

II. Actions by Judgment Creditors.

(a) The judgment creditors of three or more unrelated judgments may commence proceedings under the conditions and in the manner prescribed in this subsection, by serving notice upon the commissioner and the insurer of intention to file a petition for liquidation under sections 20 or 53. Each of the judgments must:

(1) Have been rendered against the insurer by a court in this state having jurisdiction over the subject matter and the insurer;

(2) Have been entered more than sixty days before the service of notice;

(3) Not have been paid in full;

(4) Not be the subject of a valid contract between the insurer and any judgment creditor for payment of the judgment, unless the contract has been breached by the insurer; and

(5) Not be a judgment on which an appeal or review is pending.

(b) If any one of the judgments in favor of a petitioning creditor remains unpaid for thirty days after service of the notice, and the commissioner has not then filed a petition for liquidation, the creditor may file in the name of the commissioner a verified petition for liquidation of the insurer under sections 20 or 53 alleging the conditions stated in this subsection. The commissioner shall be served and joined in the action.

III. Exclusiveness of Proceedings. No court of this state shall have jurisdiction to entertain, hear or determine any complaint praying for the dissolution, liquidation, rehabilitation, sequestration, conservation or receivership of any insurer, or praying for an injunction or restraining order or other relief preliminary to, incidental to or relating to such proceedings other than in accordance with this chapter.

IV. Change of Venue. Venue for proceedings arising under this chapter shall be laid initially as specified in the sections providing for such proceedings. All other actions and proceedings initiated by the receiver may be commenced and tried where the delinquency proceedings are then pending or Merrimack county superior court. All other actions and proceedings against the receiver shall be commenced and tried in the county

where the delinquency proceedings are pending. At any time upon motion of any party, venue may be changed by order of the court or the presiding judge thereof to any other superior court in this state, as the convenience of the parties and witnesses and the ends of justice may require. This subsection relates only to venue and is not jurisdictional.

V. Personal Jurisdiction, Grounds For. In addition to other grounds for jurisdiction provided by the law of this state, a court of this state having jurisdiction of the subject matter has jurisdiction over a person served in an action brought by the receiver of a domestic insurer or an alien insurer domiciled in this state:

(a) If the person served is obligated to the insurer in any way as an incident to any agency or brokerage arrangement that may exist or has existed between the insurer and the agent or broker, in any action on or incident to the obligation;

(b) If the person served is a reinsurer who has at any time written a policy of reinsurance for an insurer against which a rehabilitation or liquidation order is in effect when the action is commenced, or is an agent or broker of or for the reinsurer, in any action on or incident to the reinsurance contract; or

(c) If the person served is or has been an officer, manager, trustee, organizer, promoter or person in a position of comparable authority or influence in an insurer against which a rehabilitation or liquidation order is in effect when the action is commenced, in any action resulting from the relationship with the insurer.

VI. Forum Non Conveniens. If the court on motion of any party finds that any action commenced under paragraph V should as a matter of substantial justice be tried in a forum outside this state, the court may enter an order to stay further proceedings on the action in this state.

402-C:5 Injunctions and Orders.

I. Injunctions in this State. Any receiver appointed in a proceeding under this chapter may at any time apply for and any court of general jurisdiction in this state may grant, such restraining orders, temporary and permanent injunctions, and other orders as are deemed necessary and proper to prevent:

- (a) The transaction of further business;
- (b) The transfer of property;
- (c) Interference with the receiver or with the proceedings;
- (d) Waste of the insurer's assets;
- (e) Dissipation and transfer of bank accounts;
- (f) The institution or further prosecution of any actions or proceedings;
- (g) The obtaining of preferences, judgments, attachments, garnishments or liens against the insurer or its assets;
- (h) The levying of execution against the insurer or its assets;
- (i) The making of any sale or deed for nonpayment of taxes or assessments that would lessen the value of the assets of the insurer;

(j) The withholding from the receiver of books, accounts, documents or other records relating to the business of the insurer; or

(k) Any other threatened or contemplated action that might lessen the value of the insurer's assets or prejudice the rights of policyholders, creditors or shareholders, or the administration of the proceeding.

II. Injunctions Elsewhere. The receiver may apply to any court outside of this state for the relief described in paragraph I.

402-C:6 Costs and Expenses of Litigation. In any proceeding under this chapter, the court may award such costs and other expenses of litigation as justice requires, without regard to the limitations otherwise prescribed by law. If costs and expenses are taxed against the commissioner, they shall be paid from the fund created by RSA 402:56-a.

402-C:7 Co-operation of Officers and Employees.

I. Duty to Co-operate. Any officer, manager, trustee or general agent of any insurer and any other person with executive authority over or in charge of any segment of the insurer's affairs shall co-operate with the commissioner in any proceeding under this chapter or any investigation preliminary or incidental to the proceeding. "To co-operate" includes, but is not limited to the following:

(a) To reply promptly in writing to any inquiry from the commissioner requesting such a reply; and

(b) To make available and deliver to the commissioner any books, accounts, documents or other records, or information or property of or pertaining to the insurer and in his possession, custody or control.

II. Duty Not to Obstruct. No person shall obstruct or interfere with the commissioner in the conduct of any delinquency proceeding or any investigation preliminary or incidental thereto.

III. Right to Defend. This section shall not render it illegal to resist by legal proceedings the petition for liquidation or other delinquency proceedings, or other orders.

IV. Sanction. Any person included within paragraph I who fails to co-operate with the commissioner, or any person who obstructs or interferes with the commissioner in the conduct of any delinquency proceedings or any investigation preliminary or incidental thereto, may be fined not more than five thousand dollars or imprisoned not more than one year, or both.

402-C:8 Bonds. In any proceeding under this chapter the commissioner and his deputies shall be responsible on their official bonds for the faithful performance of their duties. If the court deems it desirable for the protection of the assets, it may at any time require an additional bond from the commissioner or his deputies.

402-C:9 Commissioner's Reports.

I. General Report of Proceedings. The commissioner shall include in his annual report:

(a) Formal Proceedings. The names of the insurers proceeded against under sections 15, 20, 24, 52, 53, and 55 and such other facts as indicate in reasonable detail his formal proceedings under this chapter; and

(b) **Informal Proceedings.** Such facts as generally indicate the utilization and effectiveness of proceedings under sections 11, 12 and 13.

II. Special Reports.

(a) **Causes of Delinquency.** The commissioner shall include in his annual report, not later than the second annual report following the initiation of any formal proceedings under this chapter, a detailed analysis of the basic causes and the contributing factors making the initiation of formal proceedings necessary, and shall make recommendations for remedial legislation. For this purpose the commissioner may appoint a special assistant qualified in insurance, finance and accounting to conduct the study and prepare the analysis, and may determine his compensation, which shall be paid from the fund created under RSA 402:56-a.

(b) **Final Study.** The commissioner shall include in his annual report, not later than the second annual report following discharge of the receiver, a detailed study of the delinquency proceeding for each insurer subjected to a formal proceeding, with an analysis of the problems faced and their solutions. He shall also suggest alternative solutions, as well as other material of interest, for the purpose of assisting and guiding liquidators or rehabilitators in the future. For this purpose the commissioner may appoint a special assistant qualified to conduct the study and prepare the analysis, and may determine his compensation, which shall be paid from the fund created under RSA 402:56-a.

III. Reports on Insurers Subject to Proceedings. The commissioner as receiver shall make and file annual reports and any other required reports for the companies proceeded against under sections 15, 20, 24, 52, 53 and 55 in the manner and form and within the time required by law of insurers authorized to do business in this state, and under the same penalties for failure to do so.

402-C:10 Continuation of Delinquency Proceedings. Every proceeding commenced before the effective date of this chapter is deemed to have commenced under this chapter for the purpose of conducting the proceeding thereafter, except that in the discretion of the commissioner the proceeding may be continued, in whole or in part, as it would have been continued had this chapter not been enacted.

Summary Proceedings

402-C:11 Commissioner's Summary Orders.

I. **Summary Order After Hearing.** Whenever the commissioner has reasonable cause to believe, and determines after a hearing held as prescribed in paragraph III, that any insurer has committed or engaged in, or is committing or engaging in or is about to commit or engage in any act, practice or transaction that would subject it to formal delinquency proceedings under this chapter, he may make and serve upon the insurer and any other persons involved, such orders other than seizure orders under sections 12 and 13 as are reasonably necessary to correct, eliminate or remedy such conduct, condition or ground. If the order is for a restoration of or addition to capital, it may be carried out as provided in RSA 403.

II. **Summary Order Before Hearing.** If the conditions of paragraph

I are satisfied, and if it appears to the commissioner that irreparable harm to the property or business of the insurer or to the interest of its policyholders, creditors or the public may occur unless he issues with immediate effect the orders described in paragraph I he may make and serve such orders without notice and before hearing, simultaneously serving upon the insurer notice of hearing under paragraph III.

III. Service, Notice, Hearing. The notice of hearing under paragraphs I or II and the summary order issued under paragraphs I or II shall be reasonably calculated to fairly and reasonably notify the recipient of the time and place of hearing, and the conduct, condition or ground upon which the commissioner would base his order; the notice of hearing under paragraph II shall state the time and place of hearing. Unless mutually agreed between the commissioner and the insurer, the hearing shall occur not less than ten days nor more than thirty days after notice is served and shall be either in Concord or in some other place convenient to the parties to be designated by the commissioner.

IV. Judicial Relief. If the commissioner issues a summary order before hearing under paragraph II, the insurer may at any time waive the commissioner's hearing and apply for immediate judicial relief by means of any remedy afforded by law without first exhausting administrative remedies. Subsequent to a hearing the insurer or any person whose interests are substantially affected shall be entitled to judicial review of any order issued by the commissioner.

V. Sanction. If any person has violated any order issued under this section which as to him was then still in effect, he shall be liable to forfeit a sum not to exceed ten thousand dollars. The penalty shall be imposed and collected in an action brought by the attorney general and shall be paid into the state treasury.

VI. Enforcement by Injunction. The commissioner may apply for and any superior court may grant, such restraining orders, temporary and permanent injunctions and other orders as are deemed necessary to enforce a summary order.

402-C:12 Court's Seizure Order.

I. Issuance. Upon the filing by the commissioner in any superior court in this state of a verified petition alleging any ground that would justify a court order for a formal delinquency proceeding against an insurer under this chapter and that the interests of policyholders, creditors or the public will be endangered by delay, and setting out the order deemed necessary by the commissioner, the court shall issue forthwith, ex parte and without a hearing, the requested order which may a) direct the commissioner to take possession and control of all or a part of the property, books, accounts, documents and other records of an insurer and of the premises occupied by it for the transaction of its business, and b) until further order of the court, enjoin the insurer and its officers, managers, agents, and employees from disposition of its property and from transaction of its business except with the written consent of the commissioner.

II. Duration. The court shall specify in the order what its duration shall be, which shall be such time as the court deems necessary for the com-

missioner to ascertain the condition of the insurer. On motion of either party or on its own motion, the court may hold such hearings as it deems desirable after such notice as it deems appropriate, and may extend, shorten or modify the terms of the seizure order. The court shall vacate the seizure order if the commissioner fails to commence a formal proceeding under this chapter after having had a reasonable opportunity to do so. The issuance of an order of the court pursuant to a formal proceeding under this chapter vacates the seizure order.

III. Anticipatory Breach. Entry of a seizure order under this section shall not constitute an anticipatory breach of any contract of the insurer.

402-C:13 Commissioner's Seizure Order.

I. Issuance. If it appears to the commissioner that the interests of creditors, policyholders or the public will be endangered by the delay incident to asking for a court seizure order, then on any ground that would justify a court seizure order under section 12 without notice and without applying to the court, he may issue a seizure order which must contain a verified statement of the grounds of his action. As directed by the seizure order, the commissioner's representatives shall forthwith take possession and control of all or part of the property, books, accounts, documents and other records of the insurer, and of the premises occupied by the insurer for the transaction of its business. The commissioner shall retain possession and control until the order is vacated or is replaced by an order of the court pursuant to a proceeding commenced under paragraph II or a formal proceeding under this chapter.

II. Judicial Review. At any time after seizure under paragraph I, the insurer may apply to the superior court for Merrimack county or for the county in which the insurer's principal office is located. The court shall thereupon order the commissioner to appear forthwith and shall proceed thereafter as if the order were a court seizure order issued under section 12.

III. Duty to Assist Commissioner. Every law enforcement officer shall assist the commissioner in making and enforcing any such seizure, and every sheriff's and police department shall furnish with such deputies, patrolmen or officers as are necessary to assist him.

IV. Anticipatory Breach. Entry of a seizure order under this section shall not constitute an anticipatory breach of any contract of the insurer.

402-C:14 Conduct of Hearings in Summary Proceedings.

I. Confidentiality of Commissioner's Hearings. The commissioner shall hold all hearings in summary proceedings privately unless the insurer requests a public hearing, in which case the hearing shall be public.

II. Confidentiality of Court Hearings. The court may hold all hearings in summary proceedings and judicial reviews thereof privately in chambers, and shall do so on request of the insurer proceeded against.

III. Records. In all summary proceedings and judicial reviews thereof, all records of the company, other documents, and all insurance department files and court records and papers, so far as they pertain to or are a part of the record of the summary proceedings, shall be and remain confidential except as is necessary to obtain compliance therewith, unless the

court, after hearing arguments from the parties in chamber, shall order otherwise, or unless the insurer requests that the matter be made public. Until such court order, all papers filed with the clerk of the court shall be held by him in a confidential file.

IV. Parties. If at any time it appears to the court that any person whose interest is or will be substantially affected by an order did not appear at the hearing and has not been served, the court may order that notice be given and the proceedings be adjourned to give him opportunity to appear on such terms as may be just.

V. Sanctions. Any person having possession or custody of and refusing to deliver any of the property, books, accounts, documents or other records of an insurer against which a seizure order or a summary order has been issued by the commissioner or by the court, may be fined not more than ten thousand dollars or imprisoned for not more than one year, or both.

Formal Proceedings

402-C:15 Grounds for Rehabilitation. The commissioner may apply by verified petition to the superior court for Merrimack county or for the county in which the principal office of the insurer is located for an order directing him to rehabilitate a domestic insurer or an alien insurer domiciled in this state on any one or more of the following grounds:

I. Any ground on which he may apply for an order of liquidation under section 20 whenever he believes that the insurer may be successfully rehabilitated without substantial increase in the risk of loss to creditors of the insurer or to the public;

II. That the commissioner has reasonable cause to believe that there has been embezzlement from the insurer, wrongful sequestration or diversion of the insurer's assets, forgery or fraud affecting the insurer or other illegal conduct in, by or with respect to the insurer, that if established would endanger assets in an amount threatening the solvency of the insurer;

III. That information coming into the commissioner's possession has disclosed substantial and not adequately explained discrepancies between the insurer's records and the most recent annual report or other official company reports;

IV. That the insurer has failed to remove any person who in fact has executive authority in the insurer, whether an officer, manager, general agent, employee or other person, if the person has been found by the commissioner after notice and hearing to be dishonest or untrustworthy in a way affecting the insurer's business.

V. That control of the insurer, whether by stock ownership or otherwise, and whether direct or indirect, is in one or more persons found by the commissioner after notice and hearing to be dishonest or untrustworthy;

VI. That any person who in fact has executive authority in the insurer, whether an officer, manager, general agent, employee or other person,

has refused to be examined under oath by the commissioner concerning its affairs, whether in this state or elsewhere, and after reasonable notice of the fact the insurer has failed promptly and effectively to terminate the employment and status of the person and all his influence on management;

VII. That after demand by the commissioner the insurer has failed to submit promptly any of its own property, books, accounts, documents or other records, or those of any subsidiary or related company within the control of the insurer, or those of any person having executive authority in the insurer so far as they pertain to the insurer, to reasonable inspection or examination by the commissioner or his authorized representative. If the insurer is unable to submit the property, books, accounts, documents or other records of a person having executive authority in the insurer, it shall be excused from doing so if it promptly and effectively terminates the relationship of the person to the insurer.

VIII. That without first obtaining the written consent of the commissioner, the insurer has transferred, or attempted to transfer, substantially its entire property or business, or has entered into any transaction the effect of which is to merge, consolidate or reinsure substantially its entire property or business in or with the property or business of any other person;

IX. That the insurer or its property has been or is the subject of an application for the appointment of a receiver, trustee, custodian, conservator or sequestrator or similar fiduciary of the insurer or its property otherwise than as authorized under this chapter, and that such appointment has been made or is imminent, and that such appointment might oust the courts of this state of jurisdiction or prejudice orderly delinquency proceedings under this chapter;

X. That within the previous year the insurer has wilfully violated its charter or articles of incorporation or its bylaws or any insurance law or regulation of any state, or of the federal government, or any valid order of the commissioner under section 11 or having become aware within the previous year of an unintentional violation has failed to take all reasonable steps to remedy the situation resulting from the violation and to prevent future violations.

XI. That the directors of the insurer are deadlocked in the management of the insurer's affairs and that the members or shareholders are unable to break the deadlock and that irreparable injury to the insurer, its creditors, its policyholders or the public is threatened by reason thereof;

XII. That the insurer has failed to pay for sixty days after due date any obligation to this state or any political subdivision thereof or any judgment entered in this state, except that such nonpayment shall not be a ground until sixty days after any good faith effort by the insurer to contest the obligation has been terminated, whether it is before the commissioner or in the courts;

XIII. That the insurer has failed to file its annual report or other report within the time allowed by law, and after written demand by the commissioner has failed to give an adequate explanation immediately;

XIV. That two-thirds of the board of directors, or the holders of a majority of the shares entitled to vote, or a majority of members or policyholders of an insurer subject to control by its members or policyholders, consent to rehabilitation under this chapter.

402-C:16 Rehabilitation Orders.

I. Appointment of Rehabilitator. An order to rehabilitate the business of a domestic insurer, or an alien insurer domiciled in this state, shall appoint the commissioners and his successors in office rehabilitator and shall direct the rehabilitator forthwith to take possession of the assets of the insurer and to administer them under the orders of the court. The filing or recording of the order with any register of deeds in the state imparts the same notice as a deed, bill of sale or other evidence of title duly filed or recorded with that register of deeds.

II. Anticipatory Breach. Entry of an order of rehabilitation shall not constitute an anticipatory breach of any contracts of the insurer.

402-C:17 Powers and Duties of the Rehabilitator.

I. Special Deputy Commissioner. The commissioner as rehabilitator shall make every reasonable effort to employ an active or retired senior executive from a successful insurer to serve as special deputy commissioner to rehabilitate the insurer. The special deputy shall have all of the powers of the rehabilitator granted under this section. To obtain a suitable special deputy, the commissioner may consult with and obtain the assistance and advice of executives of insurers doing business in this state. Subject to court approval, the commissioner shall make such arrangements for compensation as are necessary to obtain a special deputy of proven ability. The special deputy shall serve at the pleasure of the commissioner.

II. General Power. Subject to court approval, the rehabilitator may take such action as he deems necessary or expedient to reform and revitalize the insurer. He shall have all the powers of the officers and managers, whose authority shall be suspended, except as they are redelegated by the rehabilitator. He shall have full power to direct and manage, to hire and discharge employees subject to any contract rights they may have and to deal with the property and business of the insurer.

III. Advice from Experts. The rehabilitator may consult with and obtain formal or informal advice and aid of insurance experts.

IV. Pursuit of Insurer's Claims Against Insiders. If the rehabilitator finds that there has been criminal or tortious conduct or breach of any contractual or fiduciary obligation detrimental to the insurer by any officer, manager, agent, broker, employee or other person, he may pursue all appropriate legal remedies on behalf of the insurer.

V. Reorganization Plan. The rehabilitator may prepare a plan for the reorganization, consolidation, conversion, reinsurance, merger or other transformation of the insurer. Upon application of the rehabilitator for approval of the plan, and after such notice and hearing as the court prescribes, the court may either approve or disapprove the plan proposed, or may modify it and approve it as modified. If it is approved, the rehabilitator shall carry out the plan. In the case of a life insurer, the plan pro-

posed may include the imposition of liens upon the equities of policyholders of the company, if all rights of shareholders are first relinquished. A plan for a life insurer may also propose imposition of a moratorium upon loan and cash surrender rights under policies, for such period and to such an extent as are necessary.

VI. **Fraudulent Transfers.** The rehabilitator shall have the power to avoid fraudulent transfers under sections 30 and 31.

402-C:18 Actions By and Against Rehabilitator.

I. **Stays in Pending Litigation.** On request of the rehabilitator, any court in this state before which any action or proceeding by or against an insurer is pending when a rehabilitation order against the insurer is entered shall stay the action or proceeding for such time as is necessary for the rehabilitator to obtain proper representation and prepare for further proceedings. The court that entered the rehabilitation order shall order the rehabilitator to take such action respecting the pending litigation as the court deems necessary in the interests of justice and for the protection of creditors, policyholders and the public. The rehabilitator shall immediately consider all litigation pending outside this state and shall petition the courts having jurisdiction over that litigation for stays whenever necessary to protect the estate of the insurer.

II. **Statutes of Limitations on Claims by Insurer.** The time between the filing of a petition for rehabilitation against an insurer and denial of the petition or an order of rehabilitation shall not be considered to be a part of the time within which any action may be commenced by the insurer. Any action by the insurer that might have been commenced when the petition was filed may be commenced at least sixty days after the order of rehabilitation is entered.

III. **Statutes of Limitations on Claims Against Insurer.** The time between the filing of a petition for rehabilitation against an insurer and the denial of the petition or an order of rehabilitation shall not be considered to be a part of the time within which any action may be commenced against the insurer. Any action against the insurer that might have been commenced when the petition was filed may be commenced for at least sixty days after the order of rehabilitation is entered or the petition is denied.

402-C:19 Termination of Rehabilitation.

I. **Transformation to Liquidation.** Whenever he believes that further attempts to rehabilitate an insurer would substantially increase the risk of loss to creditors, policyholders, or the public, or would be futile, the rehabilitator may petition the court for an order of liquidation. A petition under this subsection shall have the same effect as a petition under section 20. The court shall permit the directors to defend against the petition and shall order payment from the estate of the insurer of such costs and other expenses of defense as justice requires.

II. **Order to Return to Company.** The rehabilitator may at any time petition the court for an order terminating rehabilitation of an insurer. If the court finds that rehabilitation has been accomplished and that grounds for rehabilitation under section 15 no longer exist, it shall order

that the insurer be restored to possession of its property and the control of its business. The court may also make that finding and issue that order at any time upon its own motion.

402-C:20 Grounds for Liquidation. The commissioner may apply by verified petition to the superior court for Merrimack county or for the county in which the principal office of the insurer is located for an order directing him to liquidate a domestic insurer or an alien insurer domiciled in this state on any one or more of the following grounds:

I. Any ground on which he may apply for an order of rehabilitation under section 15 whenever he believes that attempts to rehabilitate the insurer would substantially increase the risk of loss to its creditors, its policyholders or the public, or would be futile, or that rehabilitation would serve no useful purpose;

II. That the insurer is or is about to become insolvent;

III. That the insurer is engaging in a systematic practice of reaching settlements with and obtaining releases from policyholders or third party claimants and then unreasonably delaying payment of or failing to pay the agreed upon settlements;

IV. That the insurer is in such condition that the further transaction of business would be hazardous, financially or otherwise, to its policyholders, its creditors or the public;

V. That the insurer has not transacted the business of insurance during the previous twelve months or has transacted only a token insurance business during that period, although authorized to do so throughout that period, or that more than twelve months after incorporation it has failed to become authorized to do an insurance business;

VI. That within the previous twelve months the insurer has systematically attempted to compromise with its creditors on the ground that it is financially unable to pay its claims in full;

VII. That the insurer has commenced, or within the previous year has attempted to commence, voluntary liquidation otherwise than under the insurance laws of this state;

VIII. That the insurer has concealed records or assets from the commissioner or improperly removed them from the jurisdiction;

IX. That the insurer does not satisfy the requirements that would be applicable if it were seeking initial authorization to do an insurance business in this state, except for:

(a) Requirements that are intended to apply only at the time the initial authorization to do business is obtained, and not thereafter; and

(b) Requirements that are expressly made inapplicable by the laws establishing the requirements;

X. That the holders of two-thirds of the shares entitled to vote, or two-thirds of the members or policyholders entitled to vote in an insurer controlled by its members or policyholders, have consented to a petition.

402-C:21 Liquidation Orders.

I. **Order to Liquidate.** An order to liquidate the business of a domestic insurer shall appoint the commissioner and his successors in office liquidator and shall direct the liquidator forthwith to take possession of the assets of the insurer and to administer them under the orders of the court. The liquidator shall be vested by operation of law with the title to all of the property, contracts and rights of action and all of the books and records of the insurer ordered liquidated, wherever located, as of the date of the filing of the petition for liquidation. He may recover and reduce the same to possession except that ancillary receivers in reciprocal states shall have, as to assets located in their respective states, the rights and powers which are prescribed in paragraph III of section 55 for ancillary receivers appointed in this state as to assets located in this state. The filing or recording of the order with any register of deeds in this state imparts the same notice as a deed, bill of sale or other evidence of title duly filed or recorded with that register of deeds.

II. **Fixing of Rights.** Upon issuance of the order, the rights and liabilities of any such insurer and of its creditors, policyholders, shareholders, members and all other persons interested in its estate are fixed as of the date of filing of the petition for liquidation, except as provided in sections 22 and 39.

III. **Alien Insurer.** An order to liquidate the business of an alien insurer domiciled in this state shall be in the same terms and have the same legal effect as an order to liquidate a domestic insurer, except that the assets and the business in the United States shall be the only assets and business included under the order.

IV. **Declaration of Insolvency.** At the time of petitioning for an order of liquidation, or at any time thereafter, the commissioner may petition the court to declare the insurer insolvent, and after such notice and hearing as it deems proper, the court may make the declaration.

402-C:22 Continuance of Coverage.

I. All insurance policies issued by the insurer shall continue in force:

(a) For a period of fifteen days from the date of entry of the liquidation order;

(b) Until the normal expiration of the policy coverage;

(c) Until the insured has replaced the insurance coverage with equivalent insurance in another insurer; or

(d) Until the liquidator has effected a transfer of the policy obligation pursuant to section 25, VIII; whichever time is less.

II. If the coverage continued under this section is replaced by insurance that is not equivalent, the coverage continued under this section shall be excess coverage over the replacement policy to the extent of the deficiency. Claims arising during the continuation of coverage shall be treated as if they arose immediately before the petition for liquidation. Coverage under this subsection shall not satisfy any legal obligation of the insured to carry insurance protection, whether the obligation is created by law or by contract.

402-C:23 Dissolution of Insurer. The commissioner may petition for an order dissolving the corporate existence of a domestic insurer or the United States branch of an alien insurer domiciled in this state at the time he applies for a liquidation order. If the court issues a liquidation order, it also shall order dissolution if the commissioner has petitioned for it. The court shall order dissolution of the corporation upon petition by the commissioner at any time after a liquidation order has been granted. If the dissolution has not previously occurred, it shall be effected by operation of law upon the discharge of the liquidator.

402-C:24 Federal Receivership.

I. Petition for Federal Receiver. Whenever in the commissioner's opinion, liquidation of a domestic insurer or an alien insurer domiciled in this state would be facilitated by a federal receivership, and when any ground exists upon which the commissioner might petition the court for an order of rehabilitation or liquidation under section 15 or 20, or if an order of rehabilitation or liquidation has already been entered, the commissioner may request another commissioner or other willing resident of another state to petition any appropriate federal district court for the appointment of a federal receiver. The commissioner may intervene in any such action to support or oppose the petition, and may accept appointment as the receiver if he is so designated. So much of this chapter shall apply to the receivership as can be made applicable and is appropriate. Upon motion of the commissioner, the courts of this state shall relinquish all jurisdiction over the insurer for purposes of rehabilitation or liquidation.

II. Compliance with Federal Requirements. If the commissioner is appointed receiver under this section, he shall comply with any requirements necessary to give him title to and control over the assets and affairs of the insurer.

402-C:25 Powers of Liquidator. The liquidator shall report to the court monthly, or at other intervals specified by the court, on the progress of the liquidation in whatever detail the court orders. Subject to the court's control, he may:

I. Appoint a special deputy to act for him under this chapter, and determine his compensation. The special deputy shall have all powers of the liquidator granted by this section. The special deputy shall serve at the pleasure of the liquidator.

II. Appoint or engage employees and agents, legal counsel, actuaries, accountants, appraisers, consultants and other personnel he deems necessary to assist in the liquidation. RSA 98 shall not apply to such persons.

III. Fix the compensation of persons under paragraph II, subject to the control of the court.

IV. Defray all expenses of taking possession of, conserving, conducting, liquidating, disposing of or otherwise dealing with the business and property of the insurer. If the property of the insurer does not contain sufficient cash or liquid assets to defray the costs incurred, the liquidator may advance the costs so incurred out of any available appropriation. Any amounts so paid shall be deemed expense of administration and shall be

repaid for the credit of the insurance department out of the first available moneys of the insurer.

V. Hold hearings, subpoena witnesses and compel their attendance, administer oaths, examine any person under oath and compel any person to subscribe to his testimony after it has been correctly reduced to writing, and in connection therewith require the production of any books, papers, records or other documents which he deems relevant to the inquiry.

VI. Collect all debts and moneys due and claims belonging to the insurer, wherever located, and for this purpose institute timely action in other jurisdictions, in order to forestall garnishment and attachment proceedings against such debts; do such other acts as are necessary or expedient to collect, conserve or protect its assets or property, including sell, compound, compromise or assign for purposes of collection, upon such terms and conditions as he deems best, any bad or doubtful debts; and pursue any creditor's remedies available to enforce his claims.

VII. Conduct public and private sales of the property of the insurer in a manner prescribed by the court.

VIII. Use assets of the estate to transfer policy obligations to a solvent assuming insurer, if the transfer can be arranged without prejudice to applicable priorities under section 44.

IX. Acquire, hypothecate, encumber, lease, improve, sell, transfer, abandon or otherwise dispose of or deal with any property of the insurer at its market value or upon such terms and conditions as are fair and reasonable, except that no transaction involving property the market value of which exceeds ten thousand dollars shall be concluded without express permission of the court. He also may execute, acknowledge and deliver any deeds, assignments, releases and other instruments necessary or proper to effectuate any sale of property or other transaction in connection with the liquidation. In cases where real property sold by the liquidator is located other than in the county where the liquidation is pending, the liquidator shall cause to be filed with the register of deeds for the county in which the property is located a certified copy of the order appointing him.

X. Borrow money on the security of the insurer's assets or without security and execute and deliver all documents necessary to that transaction for the purpose of facilitating the liquidation.

XI. Enter into such contracts as are necessary to carry out the order to liquidate, and affirm or disavow any contracts to which the insurer is a party.

XII. Continue to prosecute and institute in the name of the insurer or in his own name any suits and other legal proceedings, in this state or elsewhere, and abandon the prosecution of claims he deems unprofitable to pursue further. If the insurer is dissolved under section 23, he may apply to any court in this state or elsewhere for leave to substitute himself for the insurer as plaintiff.

XIII. Prosecute any action which may exist in behalf of the creditors, members, policyholders or shareholders of the insurer against any officer of the insurer, or any other person.

XIV. Remove any records and property of the insurer to the offices of the commissioner or to such other place as is convenient for the purposes of efficient and orderly execution of the liquidation.

XV. Deposit in one or more banks in this state such sums as are required for meeting current administration expenses and dividend distributions.

XVI. File any necessary documents for record in the office of any register of deeds or record office in this state or elsewhere where property of the insurer is located.

XVII. Assert all legal and equitable defenses available to the insurer as against third persons. A waiver of any defense by the insurer after a petition for liquidation has been filed shall not bind the liquidator.

XVIII. Exercise and enforce all the rights, remedies and powers of any creditor, shareholder, policyholder or member, including any power to avoid any transfer or lien that may be given by law and that is not included within sections 30 through 32.

XIX. Intervene in any proceeding wherever instituted that might lead to the appointment of a receiver or trustee, and act as the receiver or trustee whenever the appointment is offered.

XX. Enter into agreements with any receiver or commissioner of any other state relating to the rehabilitation, liquidation, conservation or dissolution of an insurer doing business in both states.

XXI. Exercise all powers now held or hereafter conferred upon receivers by the laws of this state not inconsistent with this chapter.

XXII. The enumeration in this section of the powers and authority of the liquidator is not a limitation upon him, nor does it exclude his right to do such other acts not herein specifically enumerated or otherwise provided for as are necessary or expedient for the accomplishment of or in aid of the purpose of liquidation.

402-C:26 Notice to Creditors and Others.

I. Notice Required.

(a) General Requirements. The liquidator shall give notice of the liquidation order as soon as possible by first class mail and either by telegram or telephone to the insurance commissioner of each jurisdiction in which the insurer is licensed to do business, by first class mail within this state and by airmail outside this state to all insurance agents having a duty under section 27, and by first class mail within this state and by airmail outside this state at the last known address to all persons known or reasonably expected to have claims against the insurer, including all policyholders. He also shall publish notice in a newspaper of general statewide circulation or in Merrimack county, the last publication to be not less than three months before the earliest deadline specified in the notice under paragraph III.

(b) Special Requirements. Notice to agents shall inform them of their duties under section 27 and inform them what information they must communicate to insureds. Notice to policyholders shall include notice of impairment and termination of coverage under section 22. When it is applicable,

notice to policyholders shall include 1) notice of withdrawal of the insurer from the defense of any case in which the insured is interested and 2) notice of the right to file a claim under section 40.

(c) Reports and Further Notice. Within fifteen days of the date of entry of the order, the liquidator shall report to the court what notice has been given. The court may order such additional notice as it deems appropriate.

II. Notice Respecting Claims Filing. Notice to potential claimants under paragraph I shall require claimants to file with the court their claims together with proper proofs thereof under section 38 on or before a date the liquidator specifies in the notice, which shall be no less than six months nor more than one year after entry of the order, except that the liquidator need not require persons claiming unearned premium and persons claiming cash surrender values or other investment values in life insurance and annuities to file a claim. The liquidator may specify different dates for the filing of different kinds of claims.

III. Notice Conclusive. If notice is given in accordance with this section, the distribution of the assets of the insurer under this chapter shall be conclusive with respect to all claimants, whether or not they received notice.

402-C:27 Duties of Agents.

I. Written Notice. Every person who receives notice in the form prescribed in section 26 that an insurer which he represents as an independent agent is the subject of a liquidation order shall as soon as practicable give notice of the liquidation order. The notice shall be sent by first class mail to the last address contained in the agent's records to each policyholder or other person named in any policy issued through the agent by the company, if he has a record of the address of the policyholder or other person. A policy shall be deemed issued through an agent if the agent has a property interest in the expiration of the policy; or if the agent has had in his possession a copy of the declarations of the policy at any time during the life of the policy, except where the ownership of the expiration of the policy has been transferred to another. The written notice shall include the name and address of the insurer, the name and address of the agent, identification of the policy impaired and the nature of the impairment under section 22. Notice by a general agent satisfies the notice requirement for any agents under contract to him.

II. Sanctions. Any agent failing to give notice as required in paragraph I may be fined not more than one hundred dollars and may have his license suspended.

III. Oral Notice. So far as practicable, every insurance agent subject to paragraph I shall give immediate oral notice by telephone or otherwise, of the liquidation order to the same persons to whom he is obligated to give written notice. The oral notice shall include substantially the same information as the written notice.

402-C:28 Actions By and Against Liquidator.

I. Termination of Actions Against Insurer by Order Appointing Liquidator. Upon issuance of any order appointing the commissioner

liquidator of a domestic insurer or of an alien insurer domiciled in this state, all actions and all proceedings against the insurer whether in this state or elsewhere shall be abated and the liquidator shall not intervene in them, except as provided in this subsection. Whenever in the liquidator's judgment an action in this state has proceeded to a point where fairness or convenience would be served by its continuation to judgment, he may apply to the court for leave to defend or to be substituted for the insurer, and if the court gives him leave, the action shall not be abated. Whenever in the liquidator's judgment, protection of the estate of the insurer necessitates intervention in an action against the insurer that is pending outside this state, with approval of the court he may intervene in the action. The liquidator may defend any action in which he intervenes under this section at the expense of the estate of the insurer.

II. Statute of Limitations on Claims by Insurer. The liquidator may, within two years subsequent to the entry of an order for liquidation or within such further time as applicable law permits, institute an action or proceeding on behalf of the estate of the insurer upon any cause of action against which the period of limitation fixed by applicable law has not expired at the time of the filing of the petition upon which such order is entered. Where, by any agreement, a period of limitation is fixed for instituting a suit or proceeding upon any claim or for filing any claim, proof of claim, proof of loss, demand, notice or the like, or where in any proceeding, judicial or otherwise, a period of limitation is fixed, either in the proceeding or by applicable law, for taking any action, filing any claim or pleading or doing any act, and where in any such case the period had not expired at the date of the filing of the petition, the liquidator may, for the benefit of the estate, take any such action or do any such act, required of or permitted to the insurer, within a period of sixty days subsequent to the entry of an order for liquidation, or within such further period as is permitted by the agreement, or in the proceeding or by applicable law, or within such further period as is shown to the satisfaction of the court not to be unfairly prejudicial to the other party.

III. Statutes of Limitations on Claims Against Insurer. The time between the filing of a petition for liquidation against an insurer and the denial of the petition shall not be considered to be a part of the time within which any action may be commenced against the insurer. Any action against the insurer that might have been commenced when the petition was filed may be commenced for at least sixty days after the petition is denied.

402-C:29 Collection and List of Assets.

I. List of Assets Required. As soon as practicable after the liquidation order, the liquidator shall prepare in duplicate a list of the insurer's assets. The list shall be amended or supplemented as the court requires. One copy shall be filed in the office of the clerk of the court having jurisdiction over the liquidation proceedings and one copy shall be retained for the liquidator's files. All amendments and supplements shall be similarly filed.

II. Liquidation of Assets. The liquidator shall reduce the assets to a degree of liquidity that is consistent with the effective execution of the liquidation as rapidly and economically as he can.

402-C:30 Fraudulent Transfers Prior to Petition.

I. Definition and Effect. Every transfer made or suffered and every obligation incurred by an insurer within one year prior to the filing of a successful petition for rehabilitation or liquidation under this chapter is fraudulent as to then existing and future creditors if made or incurred without fair consideration, or with actual intent to hinder, delay or defraud either existing or future creditors. A transfer made or an obligation incurred by an insurer ordered to be rehabilitated or liquidated under this chapter, which is fraudulent under this section, may be avoided by the receiver, except as to a person who in good faith is a purchaser, lienor or obligee for a present fair equivalent value; and except that any purchaser, lienor or obligee, who in good faith has given a consideration less than fair for such transfer, lien or obligation, may retain the property, lien or obligation as security for repayment. The court may, on due notice, order any such transfer or obligation to be preserved for the benefit of the estate, and in that event the receiver shall succeed to and may enforce the rights of the purchaser, lienor or obligee.

II. Perfection of Transfers.

(a) Personal Property. A transfer of property other than real property shall be deemed to be made or suffered when it becomes so far perfected that no subsequent lien obtainable by legal or equitable proceedings on a simple contract could become superior to the rights of the transferee under section 32, III.

(b) Real Property. A transfer of real property shall be deemed to be made or suffered when it becomes so far perfected that no subsequent bona fide purchaser from the insurer could obtain rights superior to the rights of the transferee.

(c) Equitable Liens. A transfer which creates an equitable lien shall not be deemed to be perfected if there are available means by which a legal lien could be created.

(d) Transfer Not Perfected Prior to Petition. Any transfer not perfected prior to the filing of a petition for liquidation shall be deemed to be made immediately before the filing of the successful petition.

(e) Actual Creditors Unnecessary. This subsection applies whether or not there are or were creditors who might have obtained any liens or persons who might have become bona fide purchasers.

III. Fraudulent Reinsurance Transactions. Any transaction of the insurer with a reinsurer shall be deemed fraudulent and may be avoided by the receiver under paragraph I if:

(a) The transaction consists of the termination, adjustment or settlement of a reinsurance contract in which the reinsurer is released from any part of its duty to pay the originally specified share of losses that had occurred prior to the time of the transaction, unless the reinsurer gives a present fair equivalent value for the release; and

(b) Any part of the transaction took place within one year prior to the date of filing of the petition through which the receivership was commenced.

402-C:31 Fraudulent Transfers After Petition.

I. Effect of Petition: Real Property. After a petition for rehabilita-

tion or liquidation, a transfer of any of the real property of the insurer made to a person acting in good faith shall be valid against the receiver if made for a present fair equivalent value or, if not made for a present fair equivalent value, then to the extent of the present consideration actually paid therefor, for which amount the transferee shall have a lien on the property so transferred. The recording of a copy of the petition for or order of rehabilitation or liquidation with the register of deeds in the county where any real property in question is located is constructive notice of the commencement of a proceeding in rehabilitation or liquidation. The exercise by a court of the United States or any state of jurisdiction to authorize or effect a judicial sale of real property of the insurer within any county in any state shall not be impaired by the pendency of such a proceeding unless the copy is recorded in the county prior to the consummation of the judicial sale.

II. Effect of Petition: Personal Property. After a petition for rehabilitation or liquidation and before either the receiver takes possession of the property of the insurer or an order of rehabilitation or liquidation is granted:

(a) A transfer of any of the property of the insurer, other than real property, made to a person acting in good faith shall be valid against the receiver if made for a present fair equivalent value or, if not made for a present fair equivalent value, then to the extent of the present consideration actually paid therefor, for which amount the transferee shall have a lien on the property so transferred.

(b) A person indebted to the insurer or holding property of the insurer may, if acting in good faith, pay the indebtedness or deliver the property or any part thereof to the insurer or upon his order, with the same effect as if the petition were not pending.

(c) A person having actual knowledge of the pending rehabilitation or liquidation shall be deemed not to act in good faith unless he has reasonable cause to believe that the petition is not well founded.

(d) A person asserting the validity of a transfer under this section shall have the burden of proof. Except as elsewhere provided in this section, no transfer by or in behalf of the insurer after the date of the petition for liquidation by any person other than the liquidator shall be valid against the liquidator.

III. Negotiability. Nothing in this chapter shall impair the negotiability of currency or negotiable instruments.

402-C:32 Voidable Preferences and Liens.

I. Preferences.

(a) Preference Defined. A preference is a transfer of any of the property of an insurer to or for the benefit of a creditor, for or on account of an antecedent debt, made or suffered by the insurer within one year before the filing of a successful petition for liquidation under this chapter the effect of which transfer may be to enable the creditor to obtain a greater percentage of his debt than another creditor of the same class would receive. If a liquidation order is entered while the insurer is already subject to a rehabilitation order, transfers otherwise qualifying shall be deemed

preferences if made or suffered within one year before the filing of the successful petition for rehabilitation or within two years before the filing of the successful petition for liquidation, whichever time is shorter.

(b) *Invalidation of Preferences.* Any preference may be avoided by the liquidator, if 1) the insurer was insolvent at the time of the transfer, or 2) the transfer was made within four months before the filing of the petition, or 3) the creditor receiving it or to be benefited thereby or his agent acting with reference thereto had reasonable cause to believe at the time when the transfer was made that the insurer was insolvent or was about to become insolvent, or 4) the creditor receiving it was an officer, employee, attorney or other person who was in fact in a position of comparable influence in the insurer to an officer whether or not he held such position, or any shareholder holding directly or indirectly more than five percent of any class of any equity security issued by the insurer, or any other person with whom the insurer did not deal at arm's length. Where the preference is voidable, the liquidator may recover the property or if it has been converted, its value from any person who has received or converted the property, except a bona fide purchaser from or lienor of the debtor's transferee for a present fair equivalent value. Where the bona fide purchaser or lienor has given less than fair equivalent value, he shall have a lien upon the property to the extent of the consideration actually given by him. Where a preference by way of lien or security title is voidable, the court may on due notice order the lien or title to be preserved for the benefit of the estate, in which event the lien or title shall pass to the liquidator.

II. Perfection of Transfers.

(a) *Personal Property.* A transfer of property other than real property is deemed to be made or suffered when it becomes so far perfected that no subsequent lien obtainable by legal or equitable proceedings on a simple contract could become superior to the rights of the transferee.

(b) *Real Property.* A transfer of real property is deemed to be made or suffered when it becomes so far perfected that no subsequent bona fide purchaser from the insurer could obtain rights superior to the rights of the transferee.

(c) *Equitable Liens.* A transfer which creates an equitable lien is not deemed to be perfected if there are available means by which a legal lien could be created.

(d) *Transfers Not Perfected Prior to Petition.* A transfer not perfected prior to the filing of a petition for liquidation shall be deemed to be made immediately before the filing of the successful petition.

(e) *Actual Creditors Unnecessary.* This subsection applies whether or not there are or were creditors who might have obtained liens or persons who might have become bona fide purchasers.

III. Liens by Legal or Equitable Proceedings.

(a) *Definition.* A lien obtainable by legal or equitable proceedings upon a simple contract is one arising in the ordinary course of such proceedings upon the entry or docketing of a judgment or decree, or upon attachment, garnishment, execution or like process, whether before, upon or after judgment or decree and whether before or upon levy. It does not

include liens which under applicable law are given a special priority over other liens which are prior in time.

(b) When Liens are Superior. A lien obtainable by legal or equitable proceedings could become superior to the rights of a transferee, or a purchaser could obtain rights superior to the rights of a transferee within the meaning of paragraph II, if such consequences would follow only from the lien or purchase itself, or from the lien or purchase followed by any step wholly within the control of the respective lienholder or purchaser, with or without the aid of ministerial action by public officials. Such a lien could not, however, become superior and such a purchase could not create superior rights for the purpose of paragraph II through any acts subsequent to the obtaining of such a lien or subsequent to such a purchase which require the agreement or concurrence of any third party or which require any further judicial action, or ruling.

IV. Twenty-one Day Rule. A transfer of property for or on account of a new and contemporaneous consideration which is deemed under paragraph II to be made or suffered after the transfer because of delay in perfecting it does not thereby become a transfer for or on account of an antecedent debt if any acts required by the applicable law to be performed in order to perfect the transfer as against liens or bona fide purchasers' rights are performed within twenty-one days or any period expressly allowed by the law, whichever is less. A transfer to secure a future loan, if such a loan is actually made, or a transfer which becomes security for a future loan shall have the same effect as a transfer for or on account of a new and contemporaneous consideration.

V. Indemnifying Transfers Also Voidable. If any lien deemed voidable under subparagraph (b) of paragraph I has been dissolved by the furnishing of a bond or other obligation, the surety on which has been indemnified directly or indirectly by the transfer of or the creation of a lien upon any property of an insurer before the filing of a petition under this chapter which results in a liquidation order, the indemnifying transfer or lien shall also be deemed voidable.

VI. Avoidance of Lien. The property affected by any lien deemed voidable under subparagraph (b) of paragraph I and paragraph V is discharged from the lien, and that property and any of the indemnifying property transferred to or for the benefit of a surety shall pass to the liquidator, except that the court may on due notice order the lien to be preserved for the benefit of the estate and the court may direct that a conveyance be executed which is adequate to evidence the title of the liquidator.

VII. Hearings to Determine Rights. The court shall have summary jurisdiction of any proceeding by the liquidator to hear and determine the rights of any parties under this section. Reasonable notice of any hearing in the proceeding shall be given to all parties in interest, including the obligee of a releasing bond or other like obligation. Where an order is entered for the recovery of indemnifying property in kind or for the avoidance of an indemnifying lien, the court, upon application of any party in interest, shall in the same proceeding ascertain the value of the property or lien, and if the value is less than the amount for which the property is indemnity or than the amount of the lien, the transferee or lienholder may

elect to retain the property or lien upon payment of its value, as ascertained by the court, to the liquidator within such reasonable times as the court fixes.

VIII. Surety's Liability Discharged. The liability of a surety under a releasing bond or other like obligation shall be discharged to the extent of the value of the indemnifying property recovered or the indemnifying lien nullified and avoided or, where the property is retained under paragraph VII to the extent of the amount paid to the liquidator.

IX. Setoff of New Advances. If a creditor has been preferred and afterward in good faith gives the insurer further credit without security of any kind, for property which becomes a part of the insurer's estate, the amount of the new credit remaining unpaid at the time of the petition may be set off against the preference which would otherwise be recoverable from him.

X. Re-examination of Attorney's Fees. If an insurer, directly or indirectly, within four months before the filing of a successful petition for liquidation under this chapter or at any time in contemplation of a proceeding to liquidate it, pays money or transfers property to an attorney at law for services rendered or to be rendered, the transaction may be examined by the court on its own motion or shall be examined by the court on petition of the liquidator and shall be held valid only to the extent of a reasonable amount to be determined by the court, and the excess may be recovered by the liquidator for the benefit of the estate.

XI. Personal Liability.

(a) Every officer, manager, employee, shareholder, member, subscriber, attorney or any other person acting on behalf of the insurer who knowingly participates in giving any preference when he has reasonable cause to believe the insurer to be or about to become insolvent at the time of the preference shall be personally liable to the liquidator for the amount of the preference. It is permissible to infer that there is reasonable cause to so believe if the transfer was made within four months before the date of the filing of the successful petition for liquidation.

(b) Every person receiving any property from the insurer of the benefit thereof as a preference voidable under subparagraph (b) of paragraph I shall be personally liable therefor and shall be bound to account to the liquidator.

(c) Nothing in this subsection shall prejudice any other claim by the liquidator against any person.

402-C:33 Claims of Holders of Void or Voidable Rights.

I. Disallowance for Failure to Surrender Property. No claims of a creditor who has received or acquired a preference, lien, conveyance, transfer, assignment or encumbrance, voidable under this chapter, shall be allowed unless he surrenders the preference, lien, conveyance, transfer, assignment or encumbrance. If the avoidance is effected by a proceeding in which a final judgment has been entered, the claim shall not be allowed unless the money is paid or the property is delivered to the liquidator within thirty days from the date of the entering of the final judgment, except that the court having jurisdiction over the liquidation may allow further time if there is an appeal or other continuation of the proceeding.

II. Time for Filing. A claim allowable under paragraph I by reason of the avoidance, whether voluntary or involuntary, of a preference lien, conveyance, transfer, assignment or encumbrance may be filed as an excused late filing under section 37 if filed within thirty days from the date of the avoidance or within the further time allowed by the court under paragraph I.

402-C:34 Setoffs and Counterclaims.

I. Setoffs Allowed in General. Mutual debts or mutual credits between the insurer and another person in connection with any action or proceeding under this chapter shall be set off and the balance only shall be allowed or paid, except as provided in paragraph II.

II. Exceptions. No setoff or counterclaim shall be allowed in favor of any person where:

(a) The obligation of the insurer to the person would not at the date of the filing of a petition for liquidation entitle him to share as a claimant in the assets of the insurer;

(b) The obligation of the insurer to the person was purchased by or transferred to the person with a view to its being used as a setoff;

(c) The obligation of the person is to pay an assessment levied against the members or subscribers of the insurer, or is to pay a balance upon a subscription to the capital stock of the insurer, or is in any other way in the nature of a capital contribution; or

(d) The obligation of the person is to pay premiums, whether earned or unearned, to the insurer.

402-C:35 Assessments.

I. Report to Court. As soon as practicable but not more than two years from the date of an order of liquidation under section 21 of an insurer issuing assessable policies, the liquidator shall make a report to the court setting forth:

(a) The reasonable value of the assets of the insurer;

(b) The insurer's probable total liabilities; and

(c) The probable aggregate amount of the assessment necessary to pay all claims of creditors and expenses in full, including expenses of administration and costs of collecting the assessment.

II. Levy of Assessment.

(a) Upon the basis of the report provided in paragraph I, including any supplements and amendments thereto, the court may levy *ex parte* one or more assessments against all members of the insurer who are subject to assessment.

(b) Subject to any applicable legal limits on assessability, the aggregate assessment shall be for the amount that the sum of the probable liabilities, the expenses of administration and the estimated cost of collection of the assessment exceeds the value of existing assets, with due regard being given to assessments that cannot be collected economically.

III. Order to Show Cause. After levy of assessment under paragraph II, the court shall issue an order directing each member who has not paid

the assessment pursuant to the order to show cause why the liquidator shall not have a judgment therefor. If a member of the insurer also appears to be indebted to the insurer apart from the assessment, the court, upon application of the liquidator, may also direct the member to show cause why he should not pay the other indebtedness. Liability for such indebtedness shall be determined in the same manner and at the same time as the liability to pay the assessment.

IV. Notice. The liquidator shall give notice of the order to show cause by publication if so directed by the court and by first class mail to each member liable thereunder mailed at least twenty days before the return day of the order to show cause to his last known address as it appears on the records of the insurer.

V. Orders and Hearings.

(a) If a member does not appear and serve duly verified objections upon the liquidator upon the return day of the order to show cause under paragraph III, the court shall make an order adjudging the member liable for the amount of the assessment against him and other indebtedness, pursuant to paragraph III, together with costs, and the liquidator shall have a judgment against the member therefor.

(b) If on such return day, the member appears and serves duly verified objections upon the liquidator, the court may hear and determine the matter or may appoint a referee to hear it and make such order as the facts warrant. Any order made by a referee under this paragraph shall have the same force and effect as if it were a judgment of the court, subject to review by the court upon application within thirty days.

VI. Collection. The liquidator may enforce any order or collect any judgment under paragraph V by any lawful means.

402-C:36 Reinsurer's Liability. The amount recoverable by the liquidator from a reinsurer shall not be reduced as a result of delinquency proceedings, regardless of any provision in the reinsurance contract or other agreement. Payment made directly to an insured or other creditor shall not diminish the reinsurer's obligation to the insurer's estate except when the reinsurance contract provided for direct coverage of an individual named insured and the payment was made in discharge of that obligation.

402-C:37 Filing of Claims.

I. Deadline for Filing. Proof of all claims must be filed with the court in the form required by section 38 on or before the last day for filing specified in the notice required under section 26, except that proof or preferred ownership claims and proprietary claims under subparagraphs IX and X of section 44 need not be filed at all, and proof of claims for unearned premiums and claims for cash surrender values or other investment values in life insurance and annuities need not be filed unless the liquidator expressly so requires.

II. Excused Late Filings. For a good cause shown, the liquidator shall recommend and the court shall permit a claimant making a late filing to share in dividends, whether past or future, as if he were not late, to the extent that any such payment will not prejudice the orderly administra-

tion of the liquidation. Good cause includes but is not limited to the following:

(a) That existence of a claim was not known to the claimant and that he filed within thirty days after he learned of it;

(b) That a claim for unearned premiums or for cash surrender values or other investment values in life insurance or annuities which was not required to be filed was omitted from the liquidator's recommendations to the court under section 45, and that it was filed within thirty days after the claimant learned of the omission.

(c) That a transfer to creditor was avoided under sections 30 through 32 or was voluntarily surrendered under section 33, and that the filing satisfies the conditions of section 33.

(d) That valuation under section 43 of security held by a secured creditor shows a deficiency, which is filed within thirty days after the valuation; and

(e) That a claim was contingent and became absolute, and was filed within thirty days after it became absolute.

III. Unexcused Late Filings. The liquidator may consider any claim filed late which is not covered by paragraph II, and permit it to receive dividends, other than the first dividend, which are subsequently declared on any claims of the same or lower priority if the payment does not prejudice the orderly administration of the liquidation. The late-filing claimant shall receive, at each distribution, the same percentage of the amount allowed on his claim as is then being paid to other claimants of the same priority plus the same percentage of the amount allowed on his claim as is then being paid to claimants of any lower priority. This shall continue until his claim has been paid in full.

402-C:38 Proof of Claim.

I. Contents of Proof of Claim.

(a) Proof of claim shall consist of a verified statement that includes all of the following that are applicable:

1. The particulars of the claim, including the consideration given for it.

2. The identity and amount of the security on the claim.

3. The payments made on the debt, if any.

4. That the sum claimed is justly owing and that there is no setoff, counterclaim or defense to the claim.

5. Any right of priority of payment or other specific right asserted by the claimant.

6. A copy of any written instrument which is the foundation of the claim.

7. In the case of any third party claim based on a liability policy issued by the insurer, a conditional release of the insured pursuant to paragraph I of section 40.

8. The name and address of the claimant and the attorney who represents him, if any.

(b) No claim need be considered or allowed if it does not contain all

the information under subparagraph (a) which may be applicable. The liquidator may require that a prescribed form be used and may require that other information and documents be included.

II. Supplementary Information. At any time the liquidator may request the claimant to present information or evidence supplementary to that required under paragraph I, and may take testimony under oath, require production of affidavits or depositions or otherwise obtain additional information or evidence.

III. Conclusiveness of Judgments. No judgment or order against an insured or the insurer entered after the filing of a successful petition for liquidation and no judgment or order against an insured or the insurer entered at any time by default or by collusion need be considered as evidence of liability or of quantum of damages. No judgment or order against an insured or the insurer entered within four months before the filing of the petition need be considered as evidence of liability or of the quantum of damages.

402-C:39 Special Claims.

I. Claims Contingent on Judgments. The claim of a third party which is contingent only on his first obtaining a judgment against the insured shall be considered and allowed as if there were no such contingency.

II. Claims Under Terminated Policies. Any claim that would have become absolute if there had been no termination of coverage under section 22, and which was not covered by insurance acquired to replace the terminated coverage, shall be allowed as if the coverage had remained in effect, unless at least ten days before the insured event occurred either the claimant had actual notice of the termination or notice was mailed to him as prescribed by section 26 or paragraph I of section 27. If allowed the claim shall share in distributions under paragraph III of section 44.

III. Other Contingent Claims. A claim may be allowed even if contingent, if it is filed in accordance with paragraph II of section 37. It may be allowed and may participate in all dividends declared after it is filed, to the extent that it does not prejudice the orderly administration of the liquidation.

IV. Immature Claims. Claims that are due except for the passage of time shall be treated as absolute claims are treated, except that where justice requires the court may order them discounted at the legal rate of interest.

402-C:40 Special Provisions for Third Party Claims.

I. Third Party's Claim. Whenever any third party asserts a cause of action against an insured or an insurer in liquidation, the third party may file a claim with the liquidator. The filing of the claim shall release the insured's liability to the third party on that cause of action in the amount of the applicable policy limit, but the liquidator shall also insert in any form used for the filing of third party claims appropriate language to constitute such a release. The release shall be void if the insurance coverage is avoided by the liquidator.

II. Insured's Claim. Whether or not the third party files a claim, the

insured may file a claim on his own behalf in the liquidation. If the insured fails to file a claim by the date for filing claims specified in the order of liquidation or within sixty days after mailing of the notice required by subparagraph (b) of paragraph I of section 26, whichever is later, he is an unexcused late filer.

III. Procedure for Insured's Claim. The liquidator shall make his recommendations to the court under section 45 for the allowance of an insured's claim under paragraph II after consideration of the probable outcome of any pending action against the insured on which the claim is based, the probable damages recoverable in the action and the probable costs and expenses of defense. After allowance by the court, the liquidator shall withhold any dividends payable on the claim, pending the outcome of litigation and negotiation with the insured. Whenever it seems appropriate, he shall reconsider the claim on the basis of additional information and amend his recommendations to the court. The insured shall be afforded the same notice and opportunity to be heard on all changes in the recommendation as in its initial determination. The court may amend its allowance as it thinks appropriate. As claims against the insured are settled or barred, the insured shall be paid from the amount withheld the same percentage dividend as was paid on other claims of like priority, based on the lesser of a) the amount actually recovered from the insured by action or paid by agreement plus the reasonable costs and expenses of defense, or b) the amount allowed on the claims by the court. After all claims are settled or barred any sum remaining from the amount withheld shall revert to the undistributed assets of the insurer. Delay in final payment under this subsection shall not be a reason for unreasonable delay of final distribution and discharge of the liquidator.

IV. Multiple Claims. If several claims founded upon one policy are filed, whether by third parties or as claims by the insured under this section, and the aggregate allowed amount of the claims to which the same limit of liability in the policy is applicable exceeds that limit, each claim as allowed shall be reduced in the same proportion so that the total equals the policy limit. Claims by the insured shall be evaluated as in paragraph III. If any insured's claim is subsequently reduced under paragraph III, the amount thus freed shall be apportioned ratably among the claims which have been reduced under this subsection.

402-C:41 Disputed Claims.

I. Notice of Rejection and Request for Hearing. When a claim is denied in whole or in part by the liquidator, written notice of the determination shall be given to the claimant and his attorney by first class mail at the address shown in the proof of claim. Within sixty days from the mailing of the notice, the claimant may file his objections with the court. If no such filing is made, the claimant may not further object to the determination.

II. Notice of Hearing. Whenever objections are filed with the court, the liquidator shall ask the court for a hearing as soon as practicable and give notice of the hearing by first class mail to the claimant or his attorney and to any other persons directly affected, not less than ten nor more than twenty days before the date of the hearing. The matter may be heard by the court or by a court-appointed referee.

402-C:42 Claims of Surety. Whenever a creditor whose claim against an insurer is secured in whole or in part by the undertaking of another person fails to prove and file that claim, the other person may do so in the creditor's name, and shall be subrogated to the rights of the creditor, whether the claim has been filed by the creditor or by the other person in the creditor's name, to the extent that he discharges the undertaking. In the absence of an agreement with the creditor to the contrary, the other person shall not be entitled to any dividend until the amount paid to the creditor on the undertaking plus the dividends paid on the claim from the insurer's estate to the creditor equals the amount of the entire claim of the creditor. Any excess received by the creditor shall be held by him in trust for such other person.

402-C:43 Secured Creditors' Claims.

I. The value of any security held by a secured creditor shall be determined in one of the following ways, as the court directs:

(a) By converting the same into money according to the terms of the agreement pursuant to which the security was delivered to such creditor;

(b) By agreement, arbitration, compromise or litigation between the creditor and the liquidator.

II. The determination shall be under the supervision and control of the court. The amount so determined shall be credited upon the secured claim, and any deficiency shall be treated as an unsecured claim. If the claimant surrenders his security to the liquidator, the entire claim shall be allowed as if unsecured.

402-C:44 Order of Distribution. The order of distribution of claims from the insurer's estate shall be as stated in this section. The first fifty dollars of the amount allowed on each claim in the classes under paragraphs II through IV shall be deducted from the claim and included in the class under paragraph VIII. Claims may not be cumulated by assignment to avoid application of the fifty dollar deductible provision. Subject to the fifty dollar deductible provision, every claim in each class shall be paid in full or adequate funds retained for the payment before the members of the next class receive any payment. No subclasses shall be established within any class.

I. **Administration Costs.** The costs and expenses of administration, including but not limited to the following: the actual and necessary costs of preserving or recovering the assets of the insurer; compensation for all services rendered in the liquidation; any necessary filing fees; the fees and mileage payable to witnesses; and reasonable attorney's fees.

II. **Wages.**

(a) Debts due to employees for services performed, not to exceed one thousand dollars to each employee which have been earned within one year before the filing of the petition for liquidation. Officers shall not be entitled to the benefits of this priority.

(b) Such priority shall be in lieu of any other similar priority authorized by law as to wages or compensation of employees.

III. **Loss Claims.** All claims under policies for losses incurred includ-

ing third party claims, and all claims against the insurer for liability for bodily injury or for injury to or destruction of tangible property which are not under policies, except the first two hundred dollars of losses otherwise payable to any claimant under this subsection. All claims under life insurance and annuity policies, whether for death proceeds, annuity proceeds or investment values, shall be treated as loss claims. Claims may not be cumulated by assignment to avoid application of the two hundred dollar provision. That portion of any loss for which indemnification is provided by other benefits or advantages recovered or recoverable by the claimant shall not be included in this class, other than benefits or advantages recovered or recoverable in discharge of familial obligations of support or by way of succession at death or as proceeds of life insurance, or as gratuities. No payment made by an employer to his employee shall be treated as a gratuity.

IV. Unearned Premiums and Small Loss Claims. Claims under non-assessable policies for unearned premiums or other premium refunds and the first two hundred dollars of loss excepted by the deductible provision in paragraph III.

V. Residual Classification. All other claims including claims of the federal or any state or local government, not falling within other classes under this section. Claims, including those of any governmental body, for a penalty or forfeiture, shall be allowed in this class only to the extent of the pecuniary loss sustained from the act, transaction or proceeding out of which the penalty or forfeiture arose with reasonable and actual costs occasioned thereby. The remainder of such claims shall be postponed to the class of claims under paragraph VIII.

VI. Judgments. Claims based solely on judgments. If a claimant files a claim and bases it both on the judgment and on the underlying facts, the claim shall be considered by the liquidator who shall give the judgment such weight as he deems appropriate. The claim as allowed shall receive the priority it would receive in the absence of the judgment. If the judgment is larger than the allowance on the underlying claim, the remaining portion of the judgment shall be treated as if it were a claim based solely on a judgment.

VII. Interest on Claims Already Paid. Interest at the legal rate compounded annually on all claims in the classes under paragraphs I through VI from the date of the petition for liquidation or the date on which the claim becomes due, whichever is later, until the date on which the dividend is declared. The liquidator, with the approval of the court, may make reasonable classifications of claims for purposes of computing interest, may make approximate computations and may ignore certain classifications and time periods as *deminimis*.

VIII. Miscellaneous Subordinated Claims. The remaining claims or portions of claims not already paid, with interest as in paragraph VII:

- (a) The first fifty dollars of each claim in the classes under paragraphs II through VI subordinated under this section;
- (b) Claims under paragraph II of section 39;
- (c) Claims subordinated by section 61;

- (d) Claims filed late;
- (e) Portions of claims subordinated under paragraph V.
- (f) Claims or portions of claims payment of which is provided by other benefits or advantages recovered or recoverable by the claimant.

IX. Preferred Ownership Claims. Surplus or contribution notes, or similar obligations, and premium refunds on assessable policies. Interest at the legal rate shall be added to each claim, as in paragraphs VII and VIII.

X. Proprietary Claims. The claims of shareholders or other owners.

402-C:45 Liquidator's Recommendations to the Court.

I. Recommended Claims. The liquidator shall review all claims duly filed in the liquidation and shall make such further investigation as he deems necessary. He may compound, compromise or in any other manner negotiate the amount for which claims will be recommended to the court. Unresolved disputes shall be determined under section 41. As often as practicable, he shall present to the court reports of claims against the insurer with his recommendations. The reports shall include the name and address of each claimant, the particulars of the claim and the amount of the claim finally recommended, if any. As soon as reasonably possible after the last day for filing claims, he shall present a list of all claims not already reported. If the insurer has issued annuities or life insurance policies, the liquidator shall report the persons to whom, according to the records of the insurer, amounts are owed as cash surrender values or other investment values and the amounts owed. If the insurer has issued policies on the advance premium plan, the liquidator shall report the persons to whom, according to the records of the insurer, unearned premiums are owed and the amounts owed.

II. Allowance of Claims. The court may approve, disapprove or modify any report on claims by the liquidator, except that the liquidator's agreements with other parties shall be final and binding on the court on claims settled for five hundred dollars or less. No claim under a policy of insurance shall be allowed for an amount in excess of the applicable policy limits.

402-C:46 Distribution of Assets.

I. Payments to Creditors. Under the direction of the court, the liquidator shall pay dividends in a manner that will assure the proper recognition of priorities and a reasonable balance between the expeditious completion of the liquidation and the protection of unliquidated and undetermined claims, including third party claims. Distribution of assets in kind may be made at valuations set by agreement between the liquidator and the creditor and approved by the court.

II. Excess Assets.

(a) Upon liquidation of a domestic mutual insurance company, any assets held in excess of its liabilities and the amounts which may be paid to its members as provided under subparagraph (b) shall be paid into the state treasury for the credit of the insurance department.

(b) The maximum amount payable upon liquidation to any member for and on account of his membership in a domestic mutual insurance company, in addition to the insurance benefits promised in the policy, shall be

the total of all premium payments made by the member with interest at the legal rate compounded annually.

402-C:47 Unclaimed and Withheld Funds.

I. **Unclaimed Funds.** All unclaimed funds subject to distribution remaining in the liquidator's hands when he is ready to apply to the court for discharge, including the amount distributable to any creditor, shareholder, member or other person who is unknown or cannot be found or who is under disability with no person legally competent to receive his distributive share, shall be deposited with the state treasurer, and shall be paid over without interest except in accordance with section 44 to the person entitled thereto or his legal representative upon proof satisfactory to the state treasurer of his right thereto. Any amount on deposit not claimed within six years from the discharge of the liquidator is deemed abandoned and shall become the property of the state.

II. **Withheld Funds.** All funds withheld under section 40 and not distributed shall upon discharge of the liquidator be deposited with the state treasurer and paid by him in accordance with section 40. Any sums remaining which under section 40 would revert to the undistributed assets of the insurer shall be transferred to the state treasurer and become the property of the state under paragraph I unless the commissioner petitions the court to reopen the liquidation under section 49.

402-C:48 Termination of Proceedings.

I. **Liquidator's Application.** When all assets justifying the expense of collection and distribution have been collected and distributed under this chapter, the liquidator shall apply to the court for discharge. The court may grant the discharge and make any other orders deemed appropriate, including an order to transfer to the state treasury for the credit of the insurance department any remaining funds that are uneconomic to distribute.

II. **Application By Others.** Any other person may apply to the court at any time for an order under paragraph I. If the application is denied, the applicant shall pay the costs and expenses of the liquidator in resisting the application, including a reasonable attorney's fee.

402-C:49 Reopening Liquidation. After the liquidation proceeding has been terminated and the liquidator discharged, the commissioner or other interested party may at any time petition the court to reopen the proceedings for good cause, including the discovery of additional assets. If the court is satisfied that there is justification for reopening, it shall so order.

402-C:50 Disposition of Records During and After Termination of Liquidation. Whenever it appears to the commissioner that the records of any insurer in process of liquidation or completely liquidated are no longer useful, he may recommend to the court what records should be retained for future reference and what should be disposed of. The court shall enter an order thereon. The commissioner shall immediately submit to the state historical society a copy of the court order, and on written application of the historical society within three months after receipt from the commissioner of the copy of the court order, the commissioner shall deliver to the society such records which are to be disposed of as the society deems of his-

torical significance and shall destroy the remainder whether or not the records have been photographed or otherwise reproduced. Until further order of the court, the commissioner shall keep all records the court orders preserved.

402-C:51 External Audit of Receiver's Books. The court in which the proceeding is pending may, as it deems desirable, cause audits to be made of the books of the commissioner relating to any receivership established under this chapter, and a report of each audit shall be filed with the commissioner and with the court. The books, records and other documents of the receivership shall be made available to the auditor at any time without notice. The expense of each audit shall be considered a cost of administration of the receivership.

Interstate Relations

402-C:52 Conservation of Property of Foreign or Alien Insurers Found in This State.

I. Grounds for Petition. If a domiciliary liquidator has not been appointed, the commissioner may apply to the superior court for Merrimack county by verified petition for an order directing him to conserve the property of an alien insurer not domiciled in this state or a foreign insurer on any one or more of the following grounds:

- (a) Any of the grounds in section 15;
- (b) Any of the grounds in section 20;
- (c) That any of its property has been sequestered by official action in its domiciliary state, or in any other state;
- (d) That enough of its property has been sequestered in a foreign country to give reasonable cause to fear that the insurer is or may become insolvent;
- (e) That 1) its certificate of authority to do business in this state has been revoked or that none was ever issued, and 2) there are residents of this state with outstanding claims or outstanding policies.

II. Terms of Order. The court may issue the order in whatever terms it deems appropriate. The filing or recording of the order with any register of deeds in this state imparts the same notice as a deed, bill of sale or other evidence of title duly filed or recorded with that register of deeds.

III. Transformation to Liquidation or Ancillary Receivership. The conservator may at any time petition for and the court may grant an order under section 53 to liquidate the assets of a foreign or alien insurer under conservation or, if appropriate, for an order under section 55 to be appointed ancillary receiver.

IV. Order to Return to Company. The conservator may at any time petition the court for an order, terminating conservation of an insurer. If the court finds that the conservation is no longer necessary, it shall order that the insurer be restored to possession of its property and the control of its business. The court may also make such finding and issue such order at any time upon its own motion.

402-C:53 Liquidation of Property of Foreign or Alien Insurers Found in This State.

I. Grounds for Petition. If no domiciliary receiver has been appointed, the commissioner may apply to the superior court for Merrimack county by verified petition for an order directing him to liquidate the assets found in this state of a foreign insurer or an alien insurer not domiciled in this state, on any of the following grounds:

- (a) Any of the grounds in Section 15;
- (b) Any of the grounds in section 20;
- (c) Any of the grounds in section 52.

II. Terms of Order. If it appears to the court that the best interests of creditors, policyholders and the public so require, the court may issue an order to liquidate in whatever terms it deems appropriate. The filing or recording of the order with any register of deeds in this state imparts the same notice as a deed, bill of sale or other evidence of title duly filed or recorded with that register of deeds.

III. Conversion to Ancillary Proceeding. If a domiciliary liquidator is appointed in a reciprocal state while a liquidation is proceeding under this section, the liquidator under this section shall thereafter act as ancillary receiver under section 55. If a domiciliary liquidator is appointed in a nonreciprocal state while a liquidation is proceeding under this section, the liquidator under this section may petition the court for permission to act as ancillary receiver under section 55.

IV. Federal Receivership. On the same grounds as are specified in paragraph I, the commissioner may petition any appropriate federal district court to be appointed receiver to liquidate that portion of the insurer's assets and business over which the court will exercise jurisdiction, or any lesser part thereof that the commissioner deems desirable for the protection of the policyholders and creditors in this state. The commissioner may accept appointment as federal receiver if another person files a petition.

402-C:54 Foreign Domiciliary Receivers in Other States.

I. Property Rights and Title: Reciprocal State. The domiciliary liquidator of an insurer domiciled in a reciprocal state shall be vested by operation of law with the title to all of the property, contracts and rights of action, and all of the books, accounts and other records of the insurer located in this state. The date of vesting shall be the date of the filing of the petition, if that date is specified by the domiciliary law for the vesting of property in the domiciliary state; otherwise, the date of vesting shall be the date of entry of the order directing possession to be taken. The domiciliary liquidator shall have the immediate right to recover balances due from agents and to obtain possession of the books, accounts and other records of the insurer located in this state. He also shall have the right to recover the other assets of the insurer located in this state, subject to paragraph II of section 55.

II. Property Rights and Title: State Not a Reciprocal State. If a domiciliary liquidator is appointed for an insurer not domiciled in a reciprocal state, the commissioner of this state shall be vested by operation of law with the title to all of the property, contracts and rights of action,

and all of the books, accounts and other records of the insurer located in this state, at the same time that the domiciliary liquidator is vested with title in the domicile. The commissioner of this state may petition for a conservation or liquidation order under section 52 or 53, or for an ancillary receivership under section 55, or after approval by the superior court for Merrimack county may transfer title to the domiciliary liquidator, as the interests of justice and the equitable distribution of the assets require.

III. Filing Claims. Claimants residing in this state may file claims with the liquidator or ancillary receiver, if any, in this state or with the domiciliary liquidator, if the domiciliary law permits. The claims must be filed on or before the last date fixed for the filing of claims in the domiciliary liquidation proceedings.

402-C:55 Ancillary Formal Proceedings.

I. Appointment of Ancillary Receiver in This State. If a domiciliary liquidator has been appointed for an insurer not domiciled in this state, the commissioner shall file a petition with the superior court for Merrimack county requesting appointment as ancillary receiver in this state:

(a) If he finds that there are sufficient assets of the insurer located in this state to justify the appointment of an ancillary receiver;

(b) If ten or more persons resident in this state having claims against the insurer file a petition with the commissioner requesting appointment of an ancillary receiver; or

(c) If the protection of creditors or policyholders in this state so requires.

II. Terms of Order. The court may issue an order appointing an ancillary receiver in whatever terms it deems appropriate. The filing or recording of the order with any register of deeds in this state imparts the same notice as a deed, bill of sale or other evidence of title duly filed or recorded with that register of deeds.

III. Property Rights and Title: Ancillary Receivers in This State. When a domiciliary liquidator has been appointed in a reciprocal state, the ancillary receiver appointed in this state under paragraph I shall have the sole right to recover all the assets of the insurer in this state not already recovered by the domiciliary liquidator, except that the domiciliary liquidator shall be entitled to and have the sole right to recover balances due from agents and the books, accounts and other records of the insurer. The ancillary receiver shall have the right to recover balances due from agents and books, accounts and other records of the insurer, if such action is necessary to protect the assets because of inaction by the domiciliary liquidator. The ancillary receiver shall, as soon as practicable, liquidate from their respective securities those special deposit claims and secured claims which are proved and allowed in the ancillary proceedings in this state, and shall pay the necessary expenses of the proceedings. He shall promptly transfer all remaining assets to the domiciliary liquidator. Subject to this section, the ancillary receiver and his deputies shall have the same powers and be subject to the same duties with respect to the administration of assets as a liquidator of an insurer domiciled in this state.

IV. Property Rights and Title: Foreign Ancillary Receivers. When a

domiciliary liquidator has been appointed in this state, ancillary receivers appointed in reciprocal states shall have, as to assets and books, accounts and other records located in their respective states, corresponding rights and powers to those prescribed in paragraph III for ancillary receivers appointed in this state.

402-C:56 Ancillary Summary Proceedings. The commissioner in his sole discretion may institute proceedings under sections 11 through 13 at the request of the commissioner or other appropriate official of the domiciliary state of any foreign or alien insurer having property located in this state.

402-C:57 Claims of Nonresidents Against Insurers Domiciled in This State.

I. Filing Claims. In a liquidation proceeding begun in this state against an insurer domiciled in this state, claimants residing in foreign countries or in states not reciprocal states must file claims in this state, and claimants residing in reciprocal states may file claims either with the ancillary receivers, if any, in their respective states, or with the domiciliary liquidator. Claims must be filed on or before the last dates fixed for the filing of claims in the domiciliary liquidation proceeding.

II. Proving Claims. Claims belonging to claimants residing in reciprocal states may be proved either in the liquidation proceeding in this state as provided in this chapter, or in ancillary proceedings, if any, in the reciprocal states. If notice of the claim and opportunity to appear and be heard is afforded the domiciliary liquidator of this state as provided in section 58 with respect to ancillary proceedings in this state, the final allowance of claims by the courts in ancillary proceedings in reciprocal states shall be conclusive as to amount and as to priority against special deposits or other security located in the ancillary states, but shall not be conclusive with respect to priorities against general assets under section 44.

402-C:58 Claims of Residents Against Insurers Domiciled in Reciprocal States.

I. Filing Claims. In a liquidation proceeding in a reciprocal state against an insurer domiciled in that state, claimants against the insurer who reside within this state may file claims either with the ancillary receiver, if any, in this state, or with the domiciliary liquidator. Claims must be filed on or before the last dates fixed for the filing of claims in the domiciliary liquidation proceeding.

II. Proving Claims. Claims belonging to claimants residing in this state may be proved either in the domiciliary state under the law of that state or in ancillary proceedings, if any, in this state. If a claimant elects to prove his claim in this state, he shall file his claim with the court in the manner provided in sections 37 and 38. The ancillary receiver shall make his recommendation to the court as under section 45. He also shall arrange a date for hearing if necessary under section 41 and shall give notice to the liquidator in the domiciliary state, either by registered mail or by personal service at least forty days prior to the date set for hearing. If the domiciliary liquidator, within thirty days after the giving of such notice, gives notice in writing to the ancillary receiver and to the claimant, either by registered

mail or by personal service, of his intention to contest the claim, he shall be entitled to appear or to be represented in any proceeding in this state involving the adjudication of the claim. The final allowance of the claim by the courts of this state shall be accepted as conclusive as to amount and as to priority against special deposits or other security located in this state.

402-C:59 Attachment, Garnishment and Levy of Execution. During the pendency in this or any other state of a liquidation proceeding, whether called by that name or not, no action or proceeding in the nature of an attachment, garnishment or levy of execution shall be commenced or maintained in this state or elsewhere against the delinquent insurer or its assets.

402-C:60 Interstate Priorities.

I. Priorities. In a liquidation proceeding in this state involving one or more reciprocal states, the order of distribution of the domiciliary state shall control as to all claims of residents of this and reciprocal states. All claims of residents of reciprocal states shall be given equal priority of payment from general assets regardless of where such assets are located.

II. Priority of Special Deposit Claims. The owners of special deposit claims against an insurer for which a liquidator is appointed in this or any other state shall be given priority against the special deposits in accordance with the statutes governing the creation and maintenance of the deposits. If there is a deficiency in any deposit so that the claims secured by it are not fully discharged from it, the claimants may share in the general assets, but the sharing shall be deferred until general creditors, and also claimants against other special deposits who have received smaller percentages from their respective special deposits, have been paid percentages of their claims equal to the percentage paid from the special deposit.

III. Priority of Secured Claims. The owner of a secured claim against an insurer for which a liquidator has been appointed in this or any other state may surrender his security and file his claim as a general creditor, or the claim may be discharged by resort to the security in accordance with section 43, in which case the deficiency, if any, shall be treated as a claim against the general assets of the insurer on the same basis as claims of unsecured creditors.

402-C:61 Subordination of Claims for Noncooperation. If an ancillary receiver in another state or foreign country, whether called by that name or not, fails to transfer to the domiciliary liquidator in this state any assets within his control other than special deposits, diminished only by the expenses of the ancillary receivership, if any, the claims filed in the ancillary receivership, other than special deposit claims or secured claims, shall be placed in the class of claims under paragraph VIII of section 48.

272:2 Repeal. RSA 402:31, 32, 33, 34, and 35, relating to the dissolution of insolvent insurance companies, are hereby repealed.

272:3 Repeal. RSA 411:20 through 27, relating to the winding up of life insurance companies, are hereby repealed.

272:4 Repeal. RSA 418:28, relating to applications for receivership or dissolution of fraternal benefit societies, is hereby repealed.

272:5 Effective Date. This act shall take effect upon its passage.
[Approved June 23, 1969.]
[Effective date June 23, 1969.]

CHAPTER 273.

AN ACT RELATIVE TO COLLEGE REQUIREMENTS FOR REGISTRATION IN OPTOMETRY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

273:1 Practice of Optometry. Amend RSA 327:6, as amended by 1957, 36:2 by striking out in lines ten and eleven the words "that he is a citizen of the United States," by striking out in line twelve the words "one year" and inserting in place thereof the words (two years) and by striking out in line fifteen the word "three" and inserting in place thereof the word (four) so that said section as amended shall read as follows: **327:6 Certificates of Qualifications and Fees.** No person, except as otherwise provided in this chapter, shall practice optometry until he shall have passed an examination approved by the board in theoretical, practical and physiological optics, in theoretical and practical optometry, and in anatomy, physiology and pathology of the eye, and shall have demonstrated his ability to properly use the ophthalmoscope, the retinoscope and other scientific instruments and methods used in the practice of optometry, and shall have been registered and shall have received a certificate of qualification in optometry. Every applicant for examination shall present satisfactory evidence in the form of affidavits properly sworn to, that he is over twenty-one years of age and of good moral character, that he has had two years at a college or junior college of arts and sciences with satisfactory grades, and graduated from a school or college of optometry approved by the board, maintaining a minimum of four years in optometric training. The fee for the examination for registration shall be twenty-five dollars, and those passing the examination shall receive the certificate of qualification without additional charges. Any person failing to pass a satisfactory examination shall be entitled to re-examination at any future meeting of the board within two years without further fee; after two years the charge will be five dollars for each subsequent examination.

273:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1969.]

[Effective date August 22, 1969.]

CHAPTER 274.

AN ACT RELATIVE TO THE PENALTY FOR KILLING DOGS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

274:1 Stealing of Dogs, etc. Amend RSA 466:42-a, as inserted by 1959, 1:1, by striking out in line three the words "fifty dollars" and inserting in place thereof the following (two hundred and fifty dollars), and by striking out in line five the words "less than ten nor more than fifty dollars" and inserting in place thereof the following (less than fifty nor more than five hundred dollars, and shall be liable to the dog's owner for its value in an action on the case) so that said section as amended shall read as follows: **466:42-a Stealing Dogs, etc.** Whoever wrongfully removes the collar from or steals a dog licensed and collared as aforesaid shall be fined not more than two hundred fifty dollars. Whoever distributes or exposes a poisonous substance, with intent that the same shall be eaten by any dog, shall be fined not less than fifty nor more than five hundred dollars, and shall be liable to the dog's owner for its value in an action on the case.

274:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1969.]

[Effective date August 22, 1969.]

CHAPTER 275.

AN ACT RELATIVE TO SICK LEAVE FOR CLASSIFIED EMPLOYEES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

275:1 State Employees. Amend RSA 99:2 by inserting after paragraph d (supp) the following new paragraph: e. Other provisions of law notwithstanding, all classified state employees who qualify for workmen's compensation benefits under RSA 281 may draw such benefits or may elect to supplement such benefits with sick or annual leave benefits or both under rules and regulations approved by the governor and council for the computation of charges against sick and annual leave benefits.

275:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1969.]

[Effective date August 22, 1969.]

CHAPTER 276.

AN ACT RELATIVE TO EDUCATIONAL QUALIFICATIONS FOR REGISTRATION AS A PHARMACIST.

Be it Enacted by the Senate and House of Representatives in General Court convened:

276:1 Qualifications. Amend RSA 318:18 by striking out in line five the words "as grade "A" so that said section, as amended, shall read as follows: **318:18 Pharmacists.** An applicant for examination and registration as

a pharmacist shall be a citizen of the United States, not less than twenty-one years of age, of good moral character and temperate habits, a graduate of a school or college of pharmacy or department of a university accredited by the American Council of Pharmaceutical Education and approved by the New Hampshire commission of pharmacy and practical chemistry, shall file proof satisfactory to the commission, substantiated by proper affidavits, of a minimum of one year of experience in a retail or hospital pharmacy in the United States where physicians' prescriptions are compounded under the supervision of a registered or licensed pharmacist; and shall pass an examination given by the New Hampshire commission of pharmacy to establish satisfactorily his fitness to practice. Service and experience in a retail or hospital pharmacy under the supervision of a registered or licensed pharmacist as required in this section shall be predominantly related to the selling of drugs and medical supplies, compounding prescriptions, preparing pharmaceutical preparations, and keeping records and making reports required under state and federal statutes.

276:2 Effective Date. This act shall take effect upon its passage.

[Approved June 23, 1969.]

[Effective date June 23, 1969.]

CHAPTER 277.

AN ACT RELATIVE TO THE SIZE OF VOTING BOOTHS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

277:1 Size Prescribed. Amend RSA 59:37 by inserting in line fifteen after the word "high" the following (The booth shall be between twenty-eight and thirty-six inches wide, between twenty-eight and thirty six inches deep), by striking out in lines seventeen and eighteen the words "shall be at least three feet square" and by striking out in lines eighteen and nineteen the words "at least fifteen inches wide" and inserting in place thereof the following (between twelve and fifteen inches wide running the width of the booth) so that said section as amended shall read as follows: **59:37 Arrangement of Polling Places.** The selectmen of each town and ward shall provide suitable places in which to hold all elections provided for in this chapter, and shall see that the same are warmed, lighted, and furnished with proper supplies and conveniences, including a sufficient number of booths, shelves, and soft black lead pencils, to enable the voter to prepare his ballot for voting, screened from all observation as to the manner in which he does so. A guardrail shall be so constructed and placed that only such persons as are inside such rail can approach within six feet of the ballot box and of the voting booths. The arrangements shall be such that the voting booths can be reached only by passing within the guard-rail. They shall be in plain view of the election officers, and both they and the ballot boxes shall be in plain view of those outside the guard-rail. Each of said booths shall have three sides enclosed, one side in front to open and shut by a door swinging outward, or to be enclosed with a curtain. Each side of the booths shall be not

less than six feet high. The booth shall be between twenty-eight and thirty-six inches wide, between twenty-eight and thirty-six inches deep, and the door or curtain shall extend to within two feet of the floor, and shall be closed while the voter is preparing his ballot. Each booth shall be well lighted, and shall contain a shelf between twelve and fifteen inches wide running the width of the booth, at a convenient height for writing. The number of such voting booths shall not be less than one to every one hundred and twenty-five voters, or fraction thereof, qualified to vote at such polling place, and there shall not in any case be less than two of these voting booths at any polling place.

277:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1969.]

[Effective date August 22, 1969.]

CHAPTER 278.

AN ACT RELATIVE TO THE REIMBURSEMENT OF TOWNS AND CITIES FOR LAND AND BUILDINGS TAKEN BY THE UNITED STATES FOR FLOOD CONTROL.

Be it Enacted by the Senate and House of Representatives in General Court convened:

278:1 Reimbursement To Cities and Towns Authorized. Amend RSA 122:4, as amended by 1955, 315:1, by striking out in lines twenty through twenty-seven the words "prior to or on April 1, 1955, the tax commission shall, prior to September 15, 1955, fix anew such separate valuations thereon, for purposes of reimbursement, as will make the same currently proportional with the assessed value of all other property in the town or city which is subject to taxation; and the valuation of improvements thus determined shall thereafter be annually reduced over a forty-year period as above provided. On land and improvements thereon acquired by the United States hereunder after April 1, 1955," and by inserting in line thirty-seven after the word "land" the following (and artificial improvements) so that said section as amended shall read as follows: **122:4 Reimbursement to Cities and Towns.** On or before the first day of October of each year, the state treasurer shall pay to each town and city in which any taxable real estate or interest therein has been acquired hereunder by the United States and thus become tax exempt for such year, a sum equal to the taxes which would have been assessed against said real estate or interest therein in such town or city if the same had been included in the list of taxable property for such year at an assessed valuation of the same determined as provided in this section. For land acquired by the United States hereunder, reimbursement shall be made upon a valuation determined as provided herein on a permanently continuing basis, and if growing wood and timber was taxable as real estate on the date of acquisition by the United States of the land on which it stood, it shall be deemed to be land hereunder. For all artificial improvements on land acquired by the United States hereunder, including buildings, structures and other artificial real estate fixtures of whatsoever

kind and nature, reimbursement shall be made upon a valuation determined initially as provided herein and thereafter annually reduced by two and one-half per cent so that at the end of forty years reimbursement therefor shall have terminated. On land and improvements thereon acquired by the United States hereunder the initial assessed valuation of the same for purposes of reimbursement shall be the locally assessed valuation thereon for the tax year in which acquired as adjusted by the assessors and the tax commission acting as a joint board, so as to make such valuation proportional to the value of all other property in such town or city subject to taxation; and for purposes of this section the joint board may subdivide such assessment equitably between land and improvements thereon or between real estate acquired and that not acquired, if the official assessment was not thus subdivided; and the valuations of improvements thus determined shall thereafter be annually reduced over a forty-year period as above provided. On land, and artificial improvements, the valuations initially established as above provided in a town or city shall be reviewed by the tax commission at least once in every five years and more frequently if reasonably necessary and be changed as necessary to make them proportional with the assessed value of all other taxable property in such town or city. The amount of the reimbursement due to each town and city hereunder shall be determined by the tax commission and certified by it to the state treasurer on or before the fifteenth day of September of each year. The tax commission shall reduce the amount of reimbursement thus determined by any amount paid or due that town or city for that year by or from the United States, another state, an interstate flood control agency or other source, because of such loss of taxable valuation. The governor is authorized to draw his warrant for the payment of such reimbursements out of any money in the treasury not otherwise appropriated. Provided however, that reimbursement payments for loss of taxes on account of the acquisition of railroad or public utility property shall be reduced to the extent that such railroad or public utility property is relocated and reconstructed in the same town or city as a result of such acquisition, and thereby is included to that extent in the list of taxable property in said town or city as relocated.

278:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1969.]

[Effective date August 22, 1969.]

CHAPTER 279.

AN ACT PROVIDING FOR WATER POLLUTION PROTECTIVE ACTION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

279:1 Duties. Amend RSA 149:4 by inserting after paragraph XIV (supp) the following new paragraph: XV. To formulate a policy relating to long term trends affecting the purity of the waters of the state. Insofar as practicable and necessary, a continuing program of sampling and subse-

quent chemical and/or biological analysis shall be conducted to establish patterns and reveal long term trends to serve as a basis for formulating such policy. In conducting said program of sampling and analysis, the water supply and pollution control commission is authorized to accept any assistance as may be proffered by persons that the commission deems to be qualified. The commission shall make a biennial report of its findings to the legislature.

279:2 Effective Date. This act shall take effect upon its passage.

[Approved June 23, 1969.]

[Effective date June 23, 1969.]

CHAPTER 280.

AN ACT TO PROVIDE MONETARY SANCTION PROVISIONS FOR VIOLATION OF STATUTES
AND REGULATIONS PERTAINING TO GAS PIPELINES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

280:1 Gas Pipelines Regulations. Amend RSA 374 by inserting after section 7 the following:

374:7-a Violation.

I. Any person who violates any provision of RSA 370:2 or any standards or regulations promulgated thereunder by the public utilities commission, relative to gas pipelines, shall be subject to a civil penalty of not exceeding one thousand dollars for each violation for each day that the violation persists. However, the maximum civil penalty shall not exceed two hundred thousand dollars for any related series of violations.

II. Any civil penalty assessed under the preceding paragraph may be compromised by the public utilities commission. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of the penalty to the size of the business of the person charged, the gravity of the violation, and the good faith of the person charged in attempting to achieve compliance, after notification of a violation, shall be considered. The amount of the penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the state to the person charged or may be recovered in a civil action in the state courts.

280:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 23, 1969.]

[Effective date August 22, 1969.]

CHAPTER 281.**AN ACT RELATIVE TO THE LEGISLATIVE BUDGET ASSISTANT.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

281:1 Appointment and Compensation. Amend RSA 14:30 by striking out in lines two, three, and four the words "the appropriations committee of the house of representatives and the finance committee of the state senate, acting as a special" and insert in place thereof the words (the fiscal committee) so that said section as amended shall read as follows: **14:30 Appointment and Compensation.** Prior to the prorogation of any regular session of the legislature, the fiscal committee shall appoint a legislative budget assistant whose name shall be filed with the secretary of state. Said officer shall receive such salary as may be determined by the legislature and shall be reimbursed for actual expenses when engaged in the duties of his office.

281:2 Duties. Amend RSA 14:31 by striking out said section and inserting in place thereof the following new section:

14:31 Duties.

I. Post-Audit. The legislative budget assistant shall have the authority to post-audit the accounts and records of any state department, board, institution, commission, or agency. The legislative budget assistant may co-operate with federal officials and agencies in conducting post-audits pursuant to this paragraph. A detailed report of every post-audit conducted pursuant to this paragraph shall be submitted to the fiscal committee for its approval by the committee, a copy of the report shall be given to the governor, the comptroller, and the executive officer of the department, board, institution, commission or agency concerned. The executive officer shall have the right to submit a written statement explaining or rebutting the findings of the report to the fiscal committee.

II. Audit of State Treasurer. The legislative budget assistant shall conduct an audit of the accounts of the state treasurer at least once each fiscal year. The findings and report of a certified accountant, designated by the legislative budget assistant may be accepted as fulfilling the requirements of this paragraph.

III. Research, Investigation, and Analyses. The legislative budget assistant shall conduct such investigations, analyzes, or research into the financial activities and condition or the financial management procedures, or any specific area thereof, of any department, board, institution, commission, or agency, for the information of the legislature, as the fiscal committee shall specifically direct. In making any such investigation, analysis, or research, the legislative budget assistant shall have the power to examine whatever accounts or records of, or property or things of value held by, said department, board, institution, commission, or agency the fiscal committee shall deem useful to said investigation, analysis, or research.

IV. Furnishing Information. All state departments, boards, institutions, commissions and agencies shall be required to furnish to the legislative budget assistant any information he may request in the course of carrying out his duties as prescribed by paragraphs I, II and III.

V. **Biennial Reports.** In addition to any other reports required by statute or by the fiscal committee to be submitted by the legislative budget assistant, he shall submit to the members of the appropriations, finance, and ways and means committees a report of the results of post-audits, and investigations, he has conducted since the date of his last such report. The report required by this paragraph shall be submitted not later than January twenty-fifth of each regular legislative session.

VI. **Attendance at Budget Hearing.** The legislative budget assistant shall attend all hearings on state budgets as provided for in RSA 9:7.

VII. **Staff Duties.** The legislative budget assistant shall provide technical staff assistance in the areas of finance, accounting and budgeting to the appropriations, finance, and ways and means committees on their request.

281:3 Office Space. Amend RSA 14:32 by striking out in lines one and two the words "Said assistant shall be assigned office supplies and equipment belonging to the legislature," and by striking out in lines five, six, seven, eight, and nine the words "All state departments, institutions, commissions, and agencies shall be required to furnish to said budget assistant any information he may request relative to matters which may be of use to the said committees and the legislature in dealing with the financial conditions of the state"; further amend said section by striking out in line four the word "him" and inserting in place thereof the following (the legislative budget assistant) so that said section as amended shall read as follows: **14:32 Office Space.** Suitable office space in the state house devoted to the use of the legislature shall be assigned to the legislative budget assistant for use during the legislative sessions and also during the interim between sessions.

281:4 Dismissal. Amend RSA 14:33 by striking out said section and inserting in place thereof the following: **14:33 Dismissal.** The legislative budget assistant may be dismissed at any time by vote of the fiscal committee for good cause shown in a complaint brought by the said committee. The legislative budget assistant shall be afforded due notice of any such complaint and a fair hearing before said committee before dismissal. Should the fiscal committee vote to dismiss the legislative budget assistant, he may appeal his dismissal to a special committee consisting of the house appropriations and senate finance committees which shall have the power to uphold or reverse the decision of the fiscal committee.

281:5 Assistants. Amend RSA 14:34 by striking out in lines two, four, and eight the word "special" and inserting in place thereof the word (fiscal), and by inserting at the end of said section the following new sentence: (The legislative budget assistant shall also have the authority with the approval of the fiscal committee to hire on a temporary basis such expert consultants, including but not being limited to certified public accountants and data processing experts, as are necessary to carry out his duties) so that said section as amended shall read as follows: **14:34 Assistants.** The legislative budget assistant with the approval of the fiscal committee, may appoint a deputy legislative budget assistant and such other assistants as he may require within the limits of the appropriation made for his department on recommendation of the fiscal committee. The deputy legislative budget assistant shall perform such duties as may be determined by the legislative budget assistant and may be dismissed by the legislative budget assistant

with the approval of the fiscal committee for good cause shown. The legislative budget assistant shall also have the authority with the approval of the fiscal committee to hire on a temporary basis such expert consultants, including but not being limited to certified public accountants and data processing experts, as are necessary to carry out his duties.

281:6 Vacancies. Amend RSA 14:35 by striking out in lines two, three, and four the words "chairman of the house appropriations committee shall call a joint meeting of the house appropriations committee and the senate finance committee" and inserting in place thereof the words (fiscal committee shall meet); and by striking out in line seven the word "special" and inserting in place thereof the word (fiscal) so that said section as amended shall read as follows: **14:35 Vacancies.** When the position of the legislative budget assistant becomes vacant the fiscal committee shall meet not less than one month after the vacancy occurs for the purpose of filling said vacancy. When the position of the deputy legislative budget assistant becomes vacant the legislative budget assistant with the approval of the fiscal committee may appoint a deputy legislative budget assistant to fill the vacancy.

281:7 Effective Date. This act shall take effect upon its passage.

[Approved June 24, 1969.]

[Effective date June 24, 1969.]

CHAPTER 282.

AN ACT AUTHORIZING THE TRANSFER OF STATE CONSERVATION OFFICERS FROM GROUP I OR FROM THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF NEW HAMPSHIRE TO GROUP II IN THE NEW HAMPSHIRE RETIREMENT SYSTEM, AND REOPENING THE NEW HAMPSHIRE RETIREMENT SYSTEM AND TRANSFERRING ALL EMPLOYEES INTO SAID SYSTEM UNLESS SAID EMPLOYEES TAKE AFFIRMATIVE ACTION TO REMAIN IN AN OLD SYSTEM.

Be it Enacted by the Senate and House of Representatives in General Court convened:

282:1 Conservation Officers and Retirement Systems Reopened. Amend RSA 100-A (supp) as inserted by 1967, 134:1 by inserting at the end of said chapter the following new subdivisions:

Transfer of Conservation Officers from Group I or from the Employees' Retirement System of the State of New Hampshire, to Group II

100-A:32 Transfer Accomplished. Every permanent conservation officer (including by definition the district chiefs and the division chief) employed by the state fish and game department, who is a group I member of the New Hampshire retirement system, or a member of the employees' retirement system of the state of New Hampshire, shall on July 1, 1969, become a member of group II in the New Hampshire retirement system, anything in this chapter to the contrary notwithstanding. From July 1, 1969, such conservation officers shall thereafter be eligible for such benefits as are provided for group II members under this chapter including credit for all prior service allowable, as if they had become group II members from the incep-

tion of said retirement system. The board of trustees shall make all necessary changes in its records to accomplish the foregoing.

Retirement Systems Reopened

100-A:33 Transfer of Members. All members of the other state retirement systems are hereby transferred to the New Hampshire retirement system established by this chapter effective as of June 30, 1970; provided, however, that no member of said other retirement systems shall be so transferred if, on or before March 1, 1970, said member shall notify the board of trustees in writing of his desire to remain in his original system.

282:2 Appropriation. The sum of fifty three thousand seven hundred two dollars is hereby appropriated to the New Hampshire retirement system to meet the increased annual contribution due to the transfer cited in RSA 100-A:32 as inserted above and to meet the increase in the unfunded accrued liability due to said transfer for the fiscal year ending June 30, 1970 and a like sum for the fiscal year ending June 30, 1971, and the foregoing appropriations shall be a charge on the fish and game fund. The appropriations for OASI in the budgets of the fish and game department for each of the foregoing fiscal years shall be reduced in each year by the sum of thirteen thousand four hundred five dollars.

282:3 Effective Date. This act shall take effect July 1, 1969.

[Approved June 24, 1969.]

[Effective date July 1, 1969.]

CHAPTER 283.

AN ACT RELATIVE TO CAPITAL REQUIREMENTS OF INSURANCE COMPANIES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

283:1 Paid-up Capital. Amend RSA 401:4 as amended by 1965, 51:1 by striking out in line two the word "four" and inserting in place thereof the word (eight) and by striking out in lines three and four the words "excepting title guarantee insurance companies which shall have a paid-up capital of at least two hundred thousand dollars" so that said section as amended shall read as follows: **401:4 Paid-up Capital.** All stock companies organized under the provisions of this chapter shall have a paid-up capital of at least eight hundred thousand dollars.

283:2 Combinations of Business. Amend RSA 401:5 by striking out in line twelve the word "one" and inserting in place thereof the word (four) so that said section as amended shall read as follows: **401:5 Combinations of Business.** Articles of agreement of such a stock or mutual company may provide for the transaction of any combinations of two or more kinds of insurance authorized by section 1 except that specified by paragraph III of said section which may only be combined with insurance specified in paragraph IV or V, or both. The articles of agreement of a mutual company issuing assessable policies may not provide for the transaction of any but

the following combinations of business: That specified in paragraph I of section 1 with that specified in paragraph II; That specified in paragraphs III, IV, and V or any two of said paragraphs; That specified in paragraphs IV, V, VI, and VII or in any two or more of said paragraphs, unless such company shall have and maintain a policyholders' surplus of at least four hundred thousand dollars.

283:3 Contingent Liability. Amend RSA 402:2 by striking out said section and inserting in place thereof the following:

402:2 Contingent Liability. Any mutual fire or casualty insurance company organized under the laws of this state, which charges a full cash premium, may limit the liability of policyholders to assessment by a stipulation in the policy, which shall have the same effect as a deposit note signed by the insured; but such contingent liability of a member shall not be less than an amount equal to and in addition to the cash premium written in his policy. Any such mutual fire insurance company, from and after May 20, 1941, and any such mutual casualty insurance company, from and after January 1, 1943, may issue nonassessable policies in this state upon compliance with the following requirements: (a) It shall have and at all times maintain a surplus to policyholders as determined from its latest annual statement on file, which together with thirty percent of its unearned premium reserve is at least equal to the minimum capital required for the organization of a domestic stock insurance company to do the same kind or kinds of insurance. Provided that this additional requirement shall not apply to those mutual fire or casualty companies organized under the laws of this state which are lawfully authorized to issue nonassessable policies in this state and are in fact issuing such nonassessable policies in this state on May 1, 1969. (b) Mutual companies formed to do business under paragraphs I and II of section 1, chapter 401, RSA, shall maintain a deposit with the insurance commissioner of three hundred thousand dollars and mutual companies formed to do business under paragraphs IV, V, VI or VII of said section shall maintain a deposit with the insurance commissioner of five hundred thousand dollars in cash or in securities which are legal investments for savings banks and in such other investments as may be approved by the insurance commissioner. (c) A mutual fire or casualty insurance company shall issue nonassessable policies only so long as it maintains these financial requirements and if it fails to maintain these requirements it shall not thereafter issue nonassessable policies in this state for one year from the time when its surplus, unearned premium reserve and deposit again meet the financial requirements of this section. (d) Every policy issued by any such company shall clearly state whether or not the holder of such policy is subject to liability for assessment. Any policy issued by any such company which subjects the policyholder to liability for assessment shall contain a clear statement of the liability of the policyholder for the payment of his proportionate share of any deficiency or impairment as provided by law within the limit established by the policy, and shall further state that any assessment shall be for the exclusive benefit of holders of policies which provide for such contingent liability; and the holders of such policies shall not be liable to assessment in an amount greater in proportion to the total deficiency than the ratio that the deficiency attributable to the assessable business bears to the total deficiency.

283:4 Mutual Companies. Amend RSA 402:14 by striking out in line eight the word "twenty-five" and inserting in place thereof the following (five hundred) so that said section as amended shall read as follows: **402:14 Mutual Companies.** No such license shall be issued to a mutual insurance company which charges a full cash premium, unless it has applications for insurance aggregating not less than five hundred thousand dollars in not less than two hundred separate risks, upon which it shall have received in cash at least one premium for a term not less than one year, amounting in the aggregate to at least ten thousand dollars; provided, that this requirement shall not apply to a mutual insurance company having a fully paid up guaranty capital of not less than five hundred thousand dollars, nor to mutual life insurance companies, nor to mutual employers' liability insurance companies.

283:5 Foreign Stock Companies. Amend RSA 405:2 by striking out in line three the word "two" and inserting in place thereof the word (eight) so that said section as amended shall read as follows: **405:2 Stock Company.** No such stock insurance company shall be licensed to do business in the state unless it shall possess a paid-up capital of eight hundred thousand dollars, invested in securities readily convertible into cash, one-half at least of which are not loans secured by real estate; nor unless it shall possess, in addition to such capital, assets equal in amount to all its outstanding liabilities, estimating fifty percent of premiums received on unexpired fire risks running one year or less from date of policy, and a pro rata amount of all premiums received on unexpired risks running more than one year from date of policy, and on marine risks fifty per cent of the amount of premiums written on policies upon yearly risks, and upon risks covering more than one passage not terminated, and the full amount of premiums written on policies of all other marine risks not terminated as a liability.

283:6 Foreign Mutual Insurance Company. Amend RSA 405:4 by striking out in line two the word "two" and inserting in place thereof the word (eight) and by striking out in line three the words "cash assets" and inserting the words (surplus to policyholders) so that said section as amended shall read as follows: **405:4 Mutual Insurance Company.** No such mutual insurance company shall be licensed to do business in the state unless it shall possess eight hundred thousand dollars of surplus to policyholders invested as provided in section 2, nor unless its assets equal its outstanding liabilities, including reinsurance, to be estimated as in the case of joint stock insurance companies, and including also the amount of its guaranteed capital.

283:7 Repeal. RSA 405:5, relating to restricted business of foreign insurance companies, is hereby repealed.

283:8 Companies Excluded. Amend RSA 405:26 by striking out said section and inserting in place thereof the following: **405:26 Companies Excluded.** Such licensee shall not offer any portion of such insurance to any company which has not been approved by the insurance commissioner and does not possess and maintain a surplus to policyholders of at least five hundred thousand dollars or to any company which has within the preceding twenty-four months been in an impaired condition.

283:9 Domestic Life Companies; Capital Stock. Amend RSA 411:1 by

striking out in line three the word "two" and inserting in place thereof the word (six) so that said section as amended shall read as follows: **411:1 Capital Stock.** Any corporation organized under the laws of this state and engaged wholly or in part in the life insurance business as a stock company shall have a capital stock of not less than six hundred thousand dollars paid in, which shall be invested as provided in section 15. One half of such capital shall be deposited with the insurance commissioner.

283:10 Domestic Life Companies; Mutual. Amend RSA 411:3 by striking out in line six the word "one" and inserting in place thereof the word (two) so that said section as amended shall read as follows: **411:3 Mutual Companies.** No such certificate shall be issued to such a corporation organized on the mutual plan until at least five hundred persons have subscribed in the aggregate for at least five hundred thousand dollars of insurance upon their lives and shall each have paid in one full annual premium in cash upon the insurance applied for, nor until it shall have deposited with the commissioner at least two hundred thousand dollars in the securities required by law.

283:11 Certification of Agreement. Amend RSA 401:6 by striking out in lines one through four the following "The articles of agreement shall be submitted to the insurance commissioner, who shall examine the same. If it appears that the provisions of the law preliminary to the establishment of the corporation have been complied with," and inserting in place thereof the following: (The articles of agreement shall be submitted to the insurance commissioner, who shall examine same. The commissioner shall not approve the articles of agreement of a company until he is satisfied, by such examination as he may make and such evidence as he may require, that: (1) the incorporators are of good repute and intend in good faith to operate the company; (2) the company has capable management; (3) the company has a reasonable prospect for success in the kind or kinds of business which it proposes to transact; and (4) the actuarial projections, policy forms, rates, dividends, commissions, and other expenses contemplated as well as reinsurance, market and taxes are sound and reasonable. Upon satisfying himself that the foregoing requirements have been met) so that said section, as amended, shall read as follows: **401:6 Certification of Agreement.** The articles of agreement shall be submitted to the insurance commissioner, who shall examine same. The commissioner shall not approve the articles of agreement of a company until he is satisfied, by such examination as he may make and such evidence as he may require, that: (1) the incorporators are of good repute and intend in good faith to operate the company; (2) the company has capable management; (3) the company has a reasonable prospect for success in the kind or kinds of business which it proposes to transact; and (4) the actuarial projections, policy forms, rates, dividends, commissions, and other expenses contemplated as well as reinsurance, market and taxes are sound and reasonable. Upon satisfying himself that the foregoing requirements have been met, the commissioner shall so certify by an endorsement upon said articles of agreement, which shall thereupon be submitted to the attorney general or assistant attorney general for his approval and then recorded in accordance with the provisions of chapter 294, RSA, provided that copies of the original documents filed with the secretary of state shall also be filed with the insurance commissioner.

283:12 Retroactivity. Every insurance company which possesses a valid license to transact insurance in this state on the effective date of this act may continue to transact insurance so long as the commissioner shall regard it as safe, reliable, and entitled to confidence; and it maintains the minimum financial requirements in effect on May 1, 1969. Provided, however when such insurance companies apply for additional underwriting powers, they shall meet the minimum financial requirements in effect at the time such application is approved or denied by the insurance commissioner of this state.

283:13 Effective Date. This act shall take effect upon its passage.

[Approved June 25, 1969.]

[Effective date June 25, 1969.]

CHAPTER 284.

AN ACT AUTHORIZING CERTAIN MINORS TO SERVE LIQUORS AND BEVERAGES IN DINING ROOMS OF HOTELS AND RESTAURANTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

284:1 Employment Authorized. Amend RSA 175:8 as amended by 1959, 224:1 by inserting in line three after the word "beverage" the following (except that a person eighteen years of age or older may be employed to serve liquor or beverage in the dining room of a hotel licensed under the provisions of RSA 178:3 or a restaurant licensed under the provisions of RSA 178:3-a as an incident to his or her primary employment of serving food to patrons; and, provided further, that an adult person, approved by the commission, shall be in attendance in said dining room or restaurant during the time of such employment) so that said section as amended shall read as follows: **175:8 Employment of Minors.** No licensee or permittee hereunder shall employ any minor, with or without compensation, to serve or otherwise handle liquor or beverage, except that a person eighteen years of age or older may be employed to serve liquor or beverage in the dining room of a hotel licensed under the provisions of RSA 178:3 or a restaurant licensed under the provisions of RSA 178:3-a as an incident to his or her primary employment of serving food to patrons; and, provided further, that an adult person, approved by the commission, shall be in attendance in said dining room or restaurant during the time of such employment. Provided, however, that the holder of an off-sale permit may employ minors of not less than eighteen years of age when beverage is sold in the original container and delivered in the place of business of the seller, or at the vehicle of the buyer parked on or adjacent to the premises of the seller, and provided further than an adult person shall be in attendance during the time of such employment.

284:2 Effective Date. This act shall take effect upon its passage.

[Approved June 25, 1969.]

[Effective date June 25, 1969.]

CHAPTER 285.**AN ACT RELATIVE TO THE TERMS OF OFFICE AND MANNER OF ELECTION
OF THE CHESHIRE COUNTY COMMISSIONERS.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

285:1 Election of County Commissioners. Amend RSA 64:1 (supp) as amended by 1955, 261:1; 317:1, 1961, 59:1; 240:1 and 1965, 245:1 by inserting in line four after the word "and" the following (except in Cheshire county) and by striking out in line eight the word "Cheshire" so that said section as amended shall read as follows: **64:1 Election; Term.** There shall be chosen at each binnial election by ballot, by the inhabitants of the several towns in each county qualified to vote for state senators, a sheriff, a county attorney, a county treasurer, a register of deeds, a register of probate and, except in Cheshire county, three county commissioners, each of whom shall take office on January first next succeeding his election, and shall hold the same for two years and until his successor is chosen and qualified, provided, however, that in the counties of Grafton, Coos, Merrimack, and Hillsborough the inhabitants of the several towns in each of the commissioner districts, so qualified, shall choose at each election one commissioner for said district.

285:2 Cheshire County. Amend RSA 64:1-e (supp) as inserted by 1965, 245:2 by striking out said section and inserting in place thereof the following: **64:1-e Cheshire County Districts, Election of Commissioners.** The county of Cheshire is divided into three districts, as provided in RSA 64:11, paragraph V, for the purpose of choosing county commissioners. At the biennial election in November 1970 the inhabitants of each district qualified to vote for state senators shall elect a commissioner from their district, provided that the commissioner from District 1 shall be elected to a two year term, the commissioner from District 2 shall be elected to a two year term and the commissioner from District 3 shall be elected to a four year term. At each subsequent biennial election two commissioners shall be chosen in the county by the inhabitants of the districts in which a commissioner's term is expiring, and of the commissioners so chosen one shall serve a four year term and one shall serve a two year term and shall hold their offices until their successors are chosen and qualified. The four year term shall be rotated in sequence starting with District 1.

285:3 Effective Date. This act shall take effect for the nomination and election of Cheshire county commissioners at the biennial election in 1970, but nothing in this act affects the term of office or the qualifications of county commissioners in office at the time this act takes effect.

[Approved June 26, 1969.]

[Effective Date November 3, 1970.]

CHAPTER 286.**AN ACT TO INCREASE THE TAX ON LEGACIES AND SUCCESSIONS.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

286:1 Taxable Property and Tax Rate. All property within the jurisdiction of the state, real or personal, and any interest therein, belonging to domiciliaries of the state, and all real estate within the state, or any interest therein, belonging to persons who are not domiciliaries of the state, which shall pass by will, or by the laws regulating intestate succession, or by deed, grant, bargain, sale or gift, made in contemplation of death, or made or intended to take effect in possession or enjoyment at or after the death of the grantor or donor, to any person, absolutely or in trust, except to or for the use of the husband, or wife, or children of the decedent who were minors at the time of the decedent's death, or for the care of cemetery lots, or to a city or town in this state for public municipal purposes, or to or for the use of educational, religious, cemetery, or other institutions, societies, or associations of public charity in this state, or in any other state, territory or country the laws of which, at the time of the death of the decedent, either (1) do not impose a transfer tax or death tax of any kind or (2) grant an exemption similar to that hereby provided to the domiciliaries of such state, territory or country in favor of property passing to charities in this state, shall be subject to a tax of fifteen per cent of its value for the use of the state. For the purposes of this section all adopted children in the decedent's line of succession shall be treated as natural children.

286:2 To be Effective for Two Years. Section 1 of this act shall be effective only for a period of two years following its passage. During said period, the operation of RSA 86:6 shall be suspended. All other sections of RSA 86 shall remain in effect.

286:3 State Paid Clerk Hire; Appropriation. There is hereby appropriated the sum of forty thousand dollars for the fiscal year ending June 30, 1970, and a like sum for the fiscal year ending June 30, 1971. Said sums shall be paid to the registers of probate for clerk-hire and other expenses incurred in the administration of the tax imposed by section 1. The allocation and distribution of the funds appropriated by this section among the registers of probate of the several counties shall be determined by majority vote of said registers. The distribution formula determined by the registers of probate shall be approved by majority vote of the judges of probate before any monies are paid out of the treasury. The governor is authorized to draw his warrant for the sums appropriated by this section from any monies in the treasury not otherwise appropriated.

286:4 Effective Date. This act shall take effect at the exact time of its passage.

[Approved June 26, 1969.]

[Effective date June 26, 1969 at 2:00 P.M.]

CHAPTER 287.**AN ACT RELATIVE TO ROOMS AND MEALS TAX.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

287:1 Continuation of Meals and Room Tax. The tax and the other provisions of RSA 78-A (supp) as inserted by 1967, 213:1 and amended by 1967, 409, are continued.

287:2 Division and Director Created. Amend RSA 78-A:2 (supp) as inserted by 1967, 213:1 by striking out said section and inserting in place thereof the following:

78-A:2 Administration; Rules; Questions of Law.

I. The administration of this chapter is vested in the tax commission. The division of meals and room tax is created within the tax commission. The tax commission shall appoint a director under the personnel law. The director shall furnish a bond in an amount set under RSA 93. The director shall appoint necessary assistants under the personnel law, subject to the approval of the commission and to the appropriations for the division.

II. Subject to the approval of the commission, the director may prescribe rules and regulations reasonably designed to carry into effect the intent and purpose of the chapter. These rules and regulations are prima facie evidence of its proper interpretations.

III. The commission may at any time, reserve, certify, and transfer to the supreme court for decision any question of law which arises in connection with the administration of this chapter.

287:3 Definition, Hotel. Amend paragraph III of RSA 78-A:3 (supp) as inserted by 1967, 213:1 by striking out said paragraph and inserting in place thereof the following:

III. "Hotel" means an establishment which holds itself out to the public by offering sleeping accommodations for rent, whether or not the major portion of its operating receipts is derived from sleeping accommodations. The term includes, but is not limited to, inns, motels, tourist homes and cabins, ski dormitories, ski lodges, lodging homes, rooming houses, furnished room houses, boarding houses, private clubs, hostels, cottages, camps, chalets, barracks, dormitories, and apartments. The term does not include the following:

(a) a hospital, licensed under RSA 151, or a sanitorium, convalescent home, nursing home, or a home for the aged;

(b) any establishment operated by any state or United States agency or institution, except the New Hampshire department of resources and economic development;

(c) an establishment owned by a nonprofit corporation or association operated exclusively for religious, charitable, or educational purposes, and which does not offer sleeping accommodations to the public.

287:4 Definition; Occupancy. Amend paragraph VI of RSA 78-A:3 (supp) as inserted by 1967, 213:1 by striking out in line seven the word

"summer" and inserting in place thereof the word (seasonal) and by inserting in line seven after the word "children" the words (under the age of eighteen years) so that the said paragraph as amended shall read as follows: VI. "Occupancy" means the use or possession, or the right to the use or possession, of any room in a hotel for any purpose, or the right to the use or possession of the furnishings or to the services and accommodations accompanying the use and possession of a room. The term does not include occupancy by a permanent resident, or by an employee of an operator when the occupancy is granted to the employee as pay for his employment, or any occupancy furnished in a seasonal camp for children under the age of eighteen years.

287:5 Definition; Permanent Resident. Amend paragraph VII of RSA 78-A:3 (supp) as inserted by 1967, 213:1 by striking out in line two the word "thirty" and inserting in place thereof the word (ninety-five) so that the said paragraph as amended shall read as follows: VII. "Permanent resident" means any occupant who has occupied any room in a hotel for at least ninety-five consecutive days.

287:6 Definitions; School. Amend paragraph IX of RSA 78-A:3 (supp) as inserted by 1967, 213:1 and amended by 1967, 409:1 by striking out in lines three, four and five the words "throughout the usual school year, and which keeps and furnishes to students and others the records required and accepted for entrance to a school of secondary, collegiate, or graduate rank," so that the said paragraph as amended shall read as follows: IX. "School" means an educational institution which has a regular faculty, curriculum, and organized body of pupils or students in attendance. No part of the earnings of the institution may inure to the benefit of any individual.

287:7 Definition; Meal, Restaurant, Taxable Meal. Amend paragraph X of RSA 78-A:3 (supp) as inserted by 1967, 213:1 and amended by 1967, 409:2, 3, inclusive, by striking out the said paragraph and inserting in place thereof the following:

X. The following terms have the meaning as stated:

(a) "Meal" means any food or beverage, or both, prepared for human consumption and served by a restaurant, whether the food or beverage is served for consumption on or off the restaurant premises. The term includes food or beverages sold on a "take out" or "to go" basis, whether or not they are packaged or wrapped and whether or not they are taken from the premises of the restaurant. Beverage includes an alcoholic beverage, served with or without food.

(b) "Restaurant" means an eating establishment where food, food products, or beverages including alcoholic beverages are served and for which a charge is made. The term includes, but is not limited to, a cafe, lunch counter, private or social clubs, cocktail lounges, hotel dining rooms, catering business, tavern, diner, snack bar, dining room, food vending machine, and any other eating place or establishment where meals are served. The term includes eating establishments whether stationary or mobile, temporary or permanent.

(c) "Taxable meal" means any meal for which a charge is made that is purchased from a person in the business of operating a restaurant, and

which is subject to a tax under section 6 of this chapter. The following are not taxable meals:

(1) meals served or furnished on the premises of a nonprofit corporation or association organized and operated exclusively for religious or charitable purpose, in furtherance of any of the purposes for which it was organized; with the net proceeds of the meals to be used exclusively for the purposes of the corporation or association;

(2) meals served or furnished on the premises of a school to students of the school;

(3) meals served or furnished on the premises of any institution of the state, political subdivision of the state, or of the United States, to inmates and employees of the institutions;

(4) meals served or furnished on the premises of a hospital and served in any hospital licensed under RSA 151, except for meals sold in any restaurant which offers its accommodations to the public, or of a sanitorium, convalescent home, nursing home, or home for the aged.

(5) meals furnished by any person while transporting passengers for hire by train, bus, or airplane if furnished on any train, bus, or airplane;

(6) meals furnished by any person while operating a seasonal camp for children under the age of eighteen years, to the campers under the age of eighteen, and to employees, but to no others;

(7) meals prepared and sold by nonprofit organizations. However, if the nonprofit organization is required to have a license issued by the liquor commission, the meals are taxable meals;

(8) meals furnished to any employee of an operator as pay for his employment;

287:8 Repeal. Paragraph XI of RSA 78-A:3 (supp) as inserted by 1967, 409:4, pertaining to definition of summer camp for children, is repealed.

287:9 Registration of Operator. Amend RSA 78-A:4 (supp) as inserted by 1967, 213:1 and amended by 1967, 409:11 by striking out said section and inserting in place thereof the following: **78-A:4 Licenses Required.** Each operator shall register with the division of meals and room tax the name and address of each place of business within the state where he operates a hotel or sells taxable meals. The operator shall pay one dollar for each registration, upon receipt of which the director shall issue a license for each place in such form as he determines, attesting that the registration has been made. The license expires on the thirtieth day of June in each odd numbered year unless sooner revoked or suspended by the director or the commission. Failure to register and obtain a license as herein provided shall constitute a misdemeanor punishable by a fine not exceeding one hundred dollars. The license shall be conspicuously posted in a public area upon the premises to which it relates.

287:10 Revocation of License by Director. Amend paragraph I of RSA 78-A:5 (supp) as inserted by 1967, 213:1 by striking out in line one the word "commission" and inserting in its place the word (director); by striking out in line two the word "registration" and inserting in its place the word (li-

cense) by striking out in line four the words "of the commission promulgated" and inserting in their place the word (prescribed) so that the said paragraph as amended shall read as follows: I. The director may, after notice and hearing, suspend or revoke the license of any operator or may refuse to issue or renew any license for failure to comply with the provisions of this chapter or with the rules and regulations prescribed under this chapter.

287:11 Appeal from Director's Ruling. Amend paragraph II of RSA 78-A:5 (supp) as inserted by 1967, 213:1 by inserting in line one after the word "refusal" the words (of the director), by striking out in line two the words "of the commission to the superior court" and inserting in their place the words (to the commission), and by striking out in line four the words "The court shall hear such appeal forthwith" so that the said paragraph as amended shall read as follows: II. Any operator aggrieved by a suspension, revocation, or refusal of the director may appeal from the ruling to the commission within ten days after written notice of the suspension, revocation, or refusal has been mailed or delivered to him.

287:12 Appeal From Ruling of Commission; Bond. Amend paragraph III of RSA 78-A:5 (supp) as inserted by 1967, 213:1 by striking out the said paragraph and inserting in place thereof the following: III. Any operator aggrieved by a suspension, revocation, or refusal of the commission may appeal from the ruling to the superior court within ten days after receiving written notice of the ruling in the manner prescribed in section 15 of this chapter. The court shall hear the appeal forthwith. If the appealing operator files a bond running to the state in an amount fixed by the court, with a surety company authorized to do business in the state as surety, conditioned upon the payment of taxes due and to become due during the pending of the appeal, then the suspension or revocation appealed from is inoperative.

287:13 License During Appeal. Amend paragraph IV of RSA 78-A:5 (supp) as inserted by 1967, 213:1 by striking out in lines two and three the word "registration" wherever it appears and inserting in place thereof the word (license) so that the said section as amended shall read: IV. If an operator appeals from the refusal of the commission to issue or renew a license, the commission shall issue or renew the license during the pendency of the appeal if the appeal bond is given.

287:14 New Tax Schedule. Amend paragraph II of RSA 78-A:6 (supp) as inserted by 1967, 213:1 by striking out the said paragraph and inserting in place thereof the following:

II. A tax is imposed on taxable meals based upon the charge therefor as follows:

- (a) one cent for a charge between sixteen and twenty-five cents inclusive;
- (b) two cents for a charge between twenty-six and forty-five cents inclusive;
- (c) three cents for a charge between forty-six and sixty-five cents inclusive;
- (d) four cents for a charge between sixty-six and eighty-five cents inclusive;

(e) five cents for a charge between eighty-six cents and one dollar and five cents, inclusive;

(f) six cents for a charge between one dollar and six cents and one dollar and twenty-five cents inclusive;

(g) one cent more for each additional twenty cent increment over one dollar and twenty-five cents.

287:15 Collection of Taxes. Amend RSA 78-A:7 (supp) as inserted by 1967, 213:1 by striking out said section and inserting in place thereof the following:

78-A:7 Collection of Tax; Abatement.

I. The operator shall either state the amount of the tax to each occupant or purchaser of a meal, or state that the tax is included in the price of the occupancy or meal. The operator shall demand and collect the tax from the occupant or purchaser. The occupant or purchaser shall pay the tax to the operator. If the tax is included in the price of the meal or occupancy, upon request the operator shall state to the purchaser or occupant the amount of the tax.

II. Each operator shall keep books and records in a form acceptable to the director showing the amount of all taxes collected. The operator shall pay the taxes over to the state as provided in this section. If the director believes that special action is necessary because payment of taxes collected may be in jeopardy, he may direct an operator to keep all taxes collected separate from any other funds. The director may require that the taxes be periodically deposited in a bank designated by the director, in an account in the name of the commission. The director may withdraw these tax collections from the bank account and apply them to the payment of the taxes due from the operator. When an operator commingles tax money with money belonging to him, the claim of the state for the tax is traceable, is enforceable against all other claims and takes precedence over all other claims against the commingled funds. No taxes collected by an operator under this chapter may be sent outside the state without the written consent of the director.

III. To compensate operators for keeping the prescribed records and the proper account and remitting of taxes by them, they are allowed to retain a percentage of the taxes due and to be remitted on account of the taxes due as follows:

(a) Three percent of the amount remitted, but not exceeding the amount of tax found to be due, if remitted before the eleventh day of the month in which they are due.

(b) Two percent of the amount remitted, but not exceeding the amount of tax found to be due, if remitted between the eleventh and the twentieth day, inclusive, of the month in which they are due.

(c) One percent of the amount remitted, but not exceeding the amount of tax found to be due, if remitted between the twenty-first day and the last day, inclusive, of the month in which they are due. In no case shall the director allow as a credit any percentage that is based on an amount more than the amount of tax found to be due. The amount to be retained is allowed in the form of a deduction in submitting the report of the operator

and the payment on account of the amount due from him. The amounts shall not be granted with respect to any taxes not paid on or before the last day of the month in which they are due, nor unless the operator has complied with all pertinent rules and regulations prescribed by the director and with all other requirements of this chapter.

IV. In lieu of keeping detailed records of taxes collected, and in lieu of payment of the taxes collected under this chapter, an operator may, in writing, elect to compute the amount of taxes due at five percent of the total taxable rent or charges for meals received by him, or both, exclusive of the taxes collected on such rents and charges. If this election is made, the operator may not change the method of computing taxes without the written consent of the director. Any balance of the tax remaining in the possession of the operator may be retained by him as further compensation for the keeping of the prescribed records and the proper account, and for the remitting of the tax by him. This balance is in addition to the percentage authorized to be retained by the operator under paragraph III of this section.

V. For good cause shown, the director, with the approval of the commission may abate any tax or portion thereof due from an operator.

VI. For the purposes of this chapter, every agent, person acting under a power of attorney, or other person acting for an owner of real estate who rents or leases the owner's real estate and collects rent subject to the tax imposed by this chapter is deemed to be an operator as defined in section 3 of this chapter.

287:16 Questions on Town Real Estate Inventory. Amend RSA 74:4 (supp) as amended by 1961, 270:4 and 1969, 55:2 by striking out said section and inserting in place thereof the following:

74:4 Inventory Blanks. The inventory blanks shall be so arranged and formulated as to require:

I. Under penalty of perjury, from the person or corporation to be taxed, in answer to interrogatories therein stated;

(a) a statement from each person who is claiming a property tax exemption under RSA 72:28, 29-a, 30, 31, 32, 35, 36-a or 37 that he is applying for said exemption and is entitled thereto,

(b) a description of all real estate taxable to the person or corporation,

(c) a statement of the gross amount or quantity of each class of personal property for which he or it is taxable, except boats which are not stock in trade,

(d) such other information as will enable the selectmen or assessors to assess all the taxable property of such person or corporation and at its true value, and

(e) a list of the shares in railroad corporations of this state owned by such person or corporation.

II. The owner's estimate:

(a) of the value of his stock in trade, but not of his other property,

(b) of the amount and kind of merchantable wood and timber owned by him and standing on the land of another.

III. The owner's statement as to whether any real estate owned by him which provided sleeping accommodations had been rented or leased to another person for a period of less than ninety-five days during the twelve month period preceding April 1 of that year.

287:17 Special Filing of Returns, Optional Dates; Extension. Amend RSA 78-A:9 (supp) as inserted by 1967, 213:1 by striking out the said section and inserting in place thereof the following:

78-A:9 Returns; Special, Optional, and Extensions.

I. If the director believes special action is necessary when the collection of the tax may be in jeopardy, he may require an operator to file returns and pay taxes under this chapter at any time and from time to time.

II. Upon written request and for good cause shown:

(a) The director may authorize an operator whose books and records are not kept on a calendar year basis to file returns at times other than those specified in section 8 of this chapter.

(b) The director may authorize seasonal hotels and seasonal restaurants to make less than four returns during a calendar year.

(c) The director may extend the time for making any return required by this chapter.

287:18 Refunds. Amend RSA 78-A:10 (supp) as inserted by 1967, 213:1 by striking out said section and inserting in place thereof the following:

78-A:10 Overpayment; Refunds. If the director determines that, through error, an operator has made an overpayment of taxes or interest or a penalty, the director with the approval of the commission shall credit the amount of the overpayment on any tax imposed by this chapter that is then due or to become due from the operator. Upon request, the director, with the approval of the commission, shall order any overpayment to be refunded to the operator, or to his successors, administrators, executors, or assigns. No refund or credit of an overpayment is allowed after two years from the date the return was due. If the overpayment is less than one dollar, no refund is payable unless the operator requests it in writing.

287:19 Failure to Make Return. Amend paragraph I of RSA 78-A:11 (supp) as inserted by 1967, 213:1 by striking out in line two the word "commission" and inserting in its place the word (director), by striking out in line three the word "it" and inserting in place thereof the word (he) and by striking out in line four the word "it" and inserting in place thereof the word (him) so that the said paragraph as amended shall read as follows: I. If any operator fails to make a return as required by this chapter, the director may make an estimate of the tax liability of the operator from any information he may obtain, and according to such estimate so made by him, may assess the taxes, interest, and penalty due the state from the operator, may give notice of the assessment to the operator, and may make demand upon him for payment.

287:20 Deficiency of Payment. Amend paragraph II of RSA 78-A:11 (supp) as inserted by 1967, 213:1 by striking out in lines one and two the word "commission" and inserting in its place the word (director), by striking out in lines three and five the word "it" wherever the word appears and in-

serting in place thereof the word (he); and by striking out in line three the word "determined" and inserting in its place the word (determines) so that said paragraph as amended shall read as follows: II. After a return is filed under the provisions of this chapter, the director shall cause the return to be examined, and may make such further audits or investigation as he considers necessary. If he determines that there is a deficiency with respect to the payment of any tax due under this chapter, he shall assess the taxes and interest due the state, shall give notice of the assessment to the person liable, and shall make demand upon him for payment. No assessment under this section may be made after two years from the date the return was due, unless the return was fraudulent.

287:21 Demand for Immediate Payment of Tax. Amend paragraph III of RSA 78-A:11 (supp) as inserted by 1967, 213:1 by striking out in lines one, six, nine and twelve the word "commission" and inserting in its place the word (director) so that the said paragraph as amended shall read as follows: III. If the director finds that an operator liable for a tax designs to leave the state, or to remove his property from the state, or to conceal himself or his property, or to discontinue business, or to do any other act tending to prejudice or to render wholly or partially ineffective proceedings to collect the tax, unless proceedings be brought without delay, the director shall cause notice of the finding to be given the operator, together with a demand for an immediate tax return and immediate payment of the tax. If the tax return and payment are not made when demanded, the director may make an estimate of the tax liability of the person from any information he may obtain and, according to such estimate may assess the taxes due the state from the person. The director shall give notice of the assessment to the operator and shall make a demand for payment of the tax. The assessment is presumed to be correct, the burden showing otherwise being on the operator. At the time the demand for payment is made, the tax becomes due and payable. The attorney general may at the same time, without delay, bring suit for the collection of the tax.

287:22 Reconsideration of Director's Ruling. Amend RSA 78-A:12 (supp) as inserted by 1967, 213:1 by striking out in lines two and four the word "commission" and inserting in its place the word (director), by inserting in line five after the word "petition" the words (the commission); by striking out in lines seven, nine and ten the words "within fifteen days"; by striking out in line eight the words "at the expiration of fifteen days"; and by striking out in line thirteen the word "a" and inserting in its place the word (good) so that the said section as amended shall read as follows: **78-A:12 Petition for Reconsideration.** Any operator against whom an assessment has been made by the director under the provisions of section 11 of this chapter, and any person aggrieved by the refusal of the director to make a refund requested under section 10 of this chapter, may petition the commission for a reconsideration within fifteen days after notice has been given the person as provided in this chapter. If a petition for reconsideration is not filed, the amount of the assessment or the refusal to refund becomes final as to law and fact. If a petition for a reconsideration is filed, the commission shall reconsider the assessment or the refusal, and if the petitioner so requested in his petition, shall grant the petitioner an oral hearing and

shall give the petitioner ten days' notice of the time and place of the hearing. For good cause shown the commission may extend the time for filing the petition. If appeal is not taken as provided in section 13 of this chapter, the assessment or the refusal to refund upon reconsideration becomes final as to law and fact at the expiration of the thirty day period therein allowed for the taking of appeals.

287:23 Appeals; County of Filing. Amend paragraph I of RSA 78-A:13 (supp) as inserted by 1967, 213:1 by striking out in line two the word "a" and by striking out in lines five and six the words "subject to this chapter" so that the said paragraph as amended shall read as follows: I. Any person aggrieved by a decision of the commission upon a petition for reconsideration provided for in section 12 of this chapter may, within thirty days after a denial by the commission of the relief asked for, file a petition to review the decision of the commission in the superior court of any county in which the person has a place of business.

287:24 Appeals; Bond; Remedy. Amend paragraph III of RSA 78-A:13 (supp) by striking out in line two the word "effect" and inserting in its place the word (completion); by inserting in line three after the word "premises" the words (The court may also require the appellant to provide a bond running to the state with surety in a sum fixed by the court, conditioned upon the payment of taxes found to be due and to become due during the pendency of the appeal) and by inserting in line five between the words "be" and "equitable" the words (just and) and by striking out in line six the word "taxpayer" and inserting in place thereof the word (person) so that the said paragraph as amended shall read as follows: III. The court shall take from the appellant a bond or recognizance to the state, with surety, to prosecute the appeal to completion and to comply with the orders and decrees of a court in the premises. The court may also require the appellant to provide a bond running to the state with surety in a sum fixed by the court, conditioned upon the payment of taxes found to be due and to become due during the pendency of the appeal. Such appeals shall be preferred cases for hearing on the docket of the court. The court may grant such relief as may be just and equitable, and may order the state treasurer to pay to the aggrieved person the amount of the relief granted with interest at the rate of six per cent per year. Upon all appeals which are denied costs may be taxed against the appellant at the discretion of the court, but the court may not tax costs against the state.

287:25 Notices; Method of Serving. Amend RSA 78-A:15 (supp) as inserted by 1967, 213:1 by striking out the said section and inserting in place thereof the following:

78-A:15 Notices.

I. Unless otherwise provided, any notice required to be given under this chapter is sufficient if a written copy of the notice is served on the person to be notified at least ten days, or mailed to the person at least twelve days before the hearing or event of which notice is given.

II. Any notice required to be given by the director or the commission under this chapter may be served personally by any person or by sending the notice by registered or certified mail to the person for whom it is intended,

addressed to the person at the address given in the last report filed by him under this chapter. If no report has been filed, it is sufficient to send the notice to the address of his last known abode, or if other than an individual, to the address of the last known business address.

287:26 Interest Rate on Late Taxes. Amend RSA 78-A:16 (supp) as inserted by 1967, 213:1 by striking out in line three the words "one-half of" so that said section as amended shall read as follows: **78-A:16 Interest.** Any person who fails to pay any tax imposed by this chapter on or before the date when the tax is required to be paid shall pay interest on the tax at the rate of one per cent each month or fraction of a month if the tax remains unpaid, to be calculated from the date the tax was required to be paid. All interest is payable to and recoverable by the commission in the same manner as is the tax imposed by this chapter. For a reasonable cause the commission may abate all or any part of the interest.

287:27 Penalties. Amend RSA 78-A:18 (supp) as inserted by 1967, 213:1 by inserting after paragraph II the following new paragraph: III. Any occupant or purchaser who wilfully fails, neglects, or refuses to pay any tax assessed against him by this chapter is guilty of a misdemeanor and may be fined not more than fifty dollars.

287:28 Right to Privacy. Amend RSA 78-A:22 (supp) as inserted by 1967, 213:1 by inserting after paragraph IV a new paragraph as follows: V. The provisions of RSA 91-A governing access to public records do not apply to any hearing or proceeding before the director or the commission under this chapter.

287:29 Effective Dates.

I. The provisions of RSA 78-A:3 as inserted by sections 3, 4, 5, 6, 7, and 8 of this act shall take effect July 1, 1969.

II. Sections 14, 15, and 28 of this act shall take effect July 1, 1969.

III. Except as stated in paragraphs I and II of this section, this act shall take effect upon its passage.

[Approved June 26, 1969.]

[Effective date

s. I. The provisions of RSA 78-A:3 as inserted by sections 3, 4, 5, 6, 7, and 8 of this act shall take effect July 1, 1969.

II. Sections 14, 15, and 28 of this act shall take effect July 1, 1969.

III. Except as stated in paragraphs I and II of this section, this act shall take effect upon its passage.]

CHAPTER 288.

AN ACT MAKING PERMISSIBLE THE GROUP MARKETING OF MOTOR VEHICLE
INSURANCE.

*Be it Enacted by the Senate and House of Representatives in General Court
convened:*

288:1 New Chapter. Amend RSA by inserting after chapter 407-A as inserted by 1959, 228:1 the following new chapter:

Chapter 407-B

Group Marketing of Motor Vehicle Insurance

407-B:1 Purpose. The purpose of this chapter is to permit the writing of motor vehicle insurance in this state on a group merchandising basis subject to the conditions stated herein, to avoid the application of any statute forbidding discrimination between insureds as to the type of business defined herein and to set forth the terms and conditions under which insurance on a group merchandising basis may be written.

407-B:2 Definitions. The following words, as used in this chapter, unless the context otherwise requires or a different meaning is specifically prescribed, shall have the following meanings:

I. **Group Motor Vehicle Insurance Defined.** All motor vehicle insurance which is offered by a licensed insurer in this state on a group merchandising plan to an eligible group as herein defined shall be deemed group motor vehicle insurance.

II. **Group Merchandising Defined.** The marketing of group motor vehicle insurance by a licensed insurer otherwise engaged in insuring independent individual risks, to an eligible group on a guaranteed basis under a single insurance program, without individual underwriting selection or individual proof of insurability, shall be deemed group merchandising. This method of marketing insurance is generally referred to as "mass merchandising," "franchise merchandising," or "collective merchandising;" but for purposes of this section shall hereinafter be only referred to as "group merchandising" or the "group plan" as here in defined.

III. **Eligible Group Defined.** Any group to be eligible for group merchandising shall have been in existence for more than five years prior to the purchase of such insurance, and shall not have been organized solely for the purpose of purchasing insurance. Such group shall have a high degree of homogeneity and may include members of unincorporated and corporated associations, labor unions, employees of a common employer and similar principal agent relationships. No group will be eligible unless it consists of five hundred or more members with at least seventy-five per cent participation in the group plan. Where the group has national or other affiliates, only the members located in the state of New Hampshire shall be considered in determining the number and percentage of individuals necessary for establishing group eligibility.

IV. **Eligible Members Defined.** Eligible members shall include all members in good standing in the group provided employees shall be engaged in at least twenty-four hours employment per week, except as otherwise provided in section 4. Officers and directors of an eligible group and individual proprietors and partners shall be eligible for a group plan and as such may be considered as employees.

407-B:3 General Conditions. Group motor vehicle insurance may be issued in this state provided the following conditions are complied with:

I. Mandatory participation in the group plan shall not be required as a condition of employment, nor shall any member not participating in the plan be coerced or discriminated against.

II. The insurer and the group insured must accept all members or employees who are eligible and wish to participate in the plan.

III. Such a group plan shall include a provision that any member of the group shall have the right to convert his group policy to an individual standard policy of insurance in the same company as offered by the insurer to the non-group insureds upon termination of his connection with the group extending to him the same limits of coverage.

IV. To qualify to write the group insurance herein defined, an insurer must also be engaged in the business of writing the type of coverage offered for insureds other than group and may not be organized solely for the purpose of furnishing coverage to such groups.

V. Each member of the group must be issued the same form of policy as approved for issue in this state varying only as to the amounts of insurance and limits of liability.

VI. Insurance must be provided by individual policies to each member of the group under an arrangement whereby the premiums on such policies shall be paid to the insurer periodically by the group with or without payroll deductions.

VII. An insurer may not cancel the insurance of an individual member of the group except for the non-payment of premium by such member or unless the insurance for the entire group is cancelled. In such cases notice of cancellation as provided in like non-group policies shall be given to each member.

VIII. The plan shall provide that only those motor vehicles owned by members of the group or their spouses or children, jointly or severally, shall be eligible for coverage.

IX. All individuals considered "Eligible Members" as defined herein shall be provided with this motor vehicle group insurance plan if they wish it, provided one family member holds a valid license to operate a motor vehicle.

407-B:4 Maintenance of Records. Every insurer writing insurance under this group merchandising plan shall keep and maintain separate experience data on this type of business including complete records of premium income, losses and expense so that the experience of each group may be fairly ascertained.

407-B:5 Rates. Rates for this type of business shall be adequate but not excessive or unfairly discriminatory and shall be filed and approved by the insurance commissioner before they may be used under such rules and regulations as he may adopt. The provisions of RSA 412:14-18 inclusive and RSA 414 shall apply insofar as consistent with the provisions of this chapter.

407-B:6 Experience Rating. No experience rating shall be applied to an individual group until after three years of operation and at that time shall be based on the experience of the preceding three calendar years.

Thereafter, any experience rating shall be made annually using the last three calendar years. In case of merger of two or more companies, the three-year minimum will apply to the oldest company in the newly-formed entity, not the new entity formed by the merger itself.

407-B:7 Other Group Plans. The provisions of this chapter shall not apply to any plans of group life insurance or group accident and sickness insurance but any existing plan of group motor vehicle insurance now in effect shall conform to the provisions of this chapter.

288:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 26, 1969.]

[Effective date August 25, 1969.]

CHAPTER 289.

AN ACT INCREASING FEES FOR FOREIGN AND DOMESTIC CORPORATIONS AND FOR REGISTRATION OF TRADE NAMES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

289:1 Filing Fee Increased. Amend RSA 294:108 as amended by 1955, 171:1 by striking out in line two the word "fifteen" and inserting in place thereof the word (thirty) so that said section as amended shall read as follows: **294:108 Filing Fee.** Every corporation shall pay to the secretary of state, with such annual return, a filing fee of thirty dollars.

289:2 Recording Fees. Amend RSA 294:113 (supp) as amended by 1955, 171:3 and 1967, 130:1 by striking out the same and inserting in place thereof the following:

294:113 Fee for Record of Organization. The fee for recording the record of organization required by section 15, including the issuing by the secretary of state of the certification of incorporation shall be:

I. When the authorized capital stock does not exceed fifteen thousand dollars, sixty dollars.

II. When the authorized capital stock exceeds fifteen thousand dollars but does not exceed fifty thousand dollars, one hundred dollars.

III. When the authorized capital stock exceeds fifty thousand dollars but does not exceed one hundred fifty thousand dollars, three hundred dollars.

IV. When the authorized capital stock exceeds one hundred fifty thousand dollars but does not exceed two hundred fifty thousand dollars, four hundred dollars.

V. When the authorized capital stock exceeds two hundred fifty thousand dollars but does not exceed five hundred thousand dollars, eight hundred dollars.

VI. When the authorized capital stock exceeds five hundred thousand dollars but does not exceed one million dollars, fifteen hundred dollars.

VII. For each additional one hundred thousand dollars above one million dollars, one hundred dollars.

289:3 Amend Fee Increased. Amend RSA 294:114 as amended by 1955, 171:4 by striking out in line six the word "fifteen" and inserting in place thereof the word (thirty) so that said section as amended shall read as follows: 294:114 **For Record of Amendments.** The fee for recording any record of amendment required by section 12 or section 46 which embodies an increase in the authorized capital stock, shall be such sum as, when added to the fees paid at the time of the original authorization and prior increase, if any, will make the total fees accord with the foregoing schedule; provided however, that the minimum fee shall be thirty dollars.

289:4 Annual Fee. Amend 294:117 as amended by 1955, 171:6 by striking out the same and inserting in place thereof the following: 294:117 **Annual Fee.** For the privilege of continuing its corporate franchise, every such corporation shall pay annually to the secretary of state, at the time of making its annual return, a fee equal to one half the amount paid upon filing its original record of organization plus one half of additional payments for increases in its authorized capital stock, if any; in case the authorized capital stock is reduced, the annual return fee shall be one half the amount required for the original fee of a corporation capitalized at the amount as reduced. In no case, however, shall such annual fee be more than one thousand dollars or less than thirty dollars and it shall not be required of any such corporation which on March first of any year shall not have been incorporated more than six months.

289:5 Foreign Corporations. Amend the unlettered introductory paragraph of RSA 300:3 as amended by 1955, 171:9 and 1965, 204:1 by striking out in line seven the words "fifty dollars and shall pay an annual maintenance fee of thirty-five" and inserting in place thereof the following (one hundred dollars and shall pay an annual maintenance fee of seventy) and by inserting in line ten after the word "thereafter" the following (provided, that a foreign corporation that has received its certificate of authority pursuant to the provisions of RSA 300:4 at any time between December first of the preceding year and April first, shall not be required to pay said maintenance fee during that year) so that said unlettered introductory paragraph shall read as follows:

Every foreign corporation (except foreign insurance companies, to whom this chapter shall not apply, and except holders of certificates of approval issued under the provisions of sections 26 and 28 of RSA chapter 181, and corporations otherwise specifically required to register with and consent to service of process upon a state official) desiring to do business in this state, shall pay a registration fee of one hundred dollars and shall pay an annual maintenance fee of seventy dollars payable to the secretary of state on the first business day of April following the date of registration and on the first business day of April thereafter, provided, that a foreign corporation that has received its certificate of authority pursuant to the provisions of RSA 300:4 at any time between December first of the preced-

ing year and April first, shall not be required to pay said maintenance fee during that year, and continuously maintain in this state.

289:6 Maintenance Fee. Amend RSA 300:5-a as inserted by 1965, 204:2 by striking out in line four the word "fifteen" and inserting in place thereof the word (thirty) and by striking out in line five the word "thirty-five" and inserting in place thereof the word (seventy) so that said section as amended shall read as follows: **300:5-a Annual Return.** Every foreign corporation to which this chapter shall apply, when making its annual return on or before April first as provided by RSA 294:105, shall pay to the secretary of state a filing fee of thirty dollars. This fee shall be in addition to the annual maintenance fee of seventy dollars required by section 3 of this chapter.

289:7 Trade Names. Amend RSA 349:7 as amended by 1955, 59:2; 284:1 by striking out in line three and in line eight the word "ten" and inserting in place thereof the word (twenty) so that said section as amended shall read as follows: **349:7 Record; Fees.** There shall be paid to the secretary of state for filing of registration and issuance of certificate of registration a fee of twenty dollars. Upon payment of said fee the secretary of state shall deliver to the person filing and registering such trade name a certificate of registration under his signature and state seal showing the name and address of the person or persons claiming ownership of the trade name, the nature of the business thereby reserved and described and a receipt for the payment of said fee. The fee for renewal of any registration shall be twenty dollars. The fee for notice of discontinuance or withdrawal shall be two dollars. The secretary shall keep a suitable file or record of all such certificates. He shall prepare blanks for such certificates, and shall, upon request, furnish such blanks to persons, partnerships, or associations.

289:8 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 26, 1969.]

[Effective date August 25, 1969.]

CHAPTER 290.

AN ACT TO IMPROVE MANAGEMENT-EMPLOYEE RELATIONS IN STATE EMPLOYMENT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

290:1 Management-Employee Relations. Amend RSA by inserting after RSA 98-B (supp) the following new chapter:

Chapter 98-C

Management-Employee Relations in State Employment

98-C:1 Definitions. As used in this chapter the following words shall have the following meanings unless the context clearly requires otherwise:

I. "Employee" or "employees" shall mean classified employees of the state, and non-academic employees (exclusive of department heads and

executive officers) of the University of New Hampshire including Keene State College and Plymouth State College as defined by the board of trustees of the university in accordance with 1963, 303:11, II.

II. "Employee organization" shall mean any lawful association, federation, council or other labor organization of employees, having as a primary purpose the improvement of working conditions among employees. This term shall not include any organization (1) which advocates the unlawful overthrow of the constitutional form of government in the United States or this state, or (2) which discriminates with regard to terms or conditions of membership because of race, color, creed or national origin, or (3) which does not maintain democratic procedures and practices regarding election of officers, individual participation in organization affairs, fair and equal treatment under its by-laws including due process in disciplinary proceedings, or (4) which does not maintain fiscal integrity in the conduct of the affairs of the organization including accounting controls and regular financial reports to members.

III. "Commission" shall mean the commission, hereby established, consisting of three persons, namely, the chairman of the state personnel commission (or some other member of such commission when designated by the chairman), the commissioner of labor (or his deputy when designated by him), and the secretary of state (or his deputy when designated by him). The commission shall choose its own chairman and secretary.

IV. "Director" shall mean the director of personnel or his deputy as provided in RSA 98.

V. "Unit" shall mean all employees, or, in the alternative, groups of employees classified according to department, groups of departments, institution, or groups of institutions, as the commission shall determine, upon petition, to be appropriate in order to assure to employees the fullest freedom in exercising their rights hereunder and also to provide for efficient and harmonious administration of management-employee relations. No unit may contain less than ten employees; provided however, that with respect to the University of New Hampshire, Keene State College, Plymouth State College and the Merrimack Valley Branch, a unit for purposes of representation and collective bargaining shall not be less than entire campus of any one division of the system.

VI. "Appointing authority" shall mean the officer, board, commission, person or group of persons having the power to make appointments, promotions, discharges or demotions of employees or to take disciplinary action against them.

VII. "Chief executive officer of unit" shall mean (1) the governor with the consent of the council, if the unit includes all employees or two or more departments or institutions, (2) the department head if the unit is a single department or institution, (3) the president of the University of New Hampshire if the unit includes non-academic employees of the University of New Hampshire including Keene State College and Plymouth State College.

98-C:2 Employee Rights. Employees shall have, and shall be protected in the exercise of, the right, freely and without fear of penalty or reprisal, to form, join and assist any employee organization, or to refrain from any

such activity. Except as hereinafter expressly provided, the freedom of such employees to assist any employee organization shall be recognized as extending to participation in the management of such employee organization and acting for such organization as its representative, including, without limitation, presentation of its views to the governor, the governor and council, the legislature, the commission or the director. The head of each department or agency and the appointing authority shall take such action, consistent with law, as may be required to assure that no interference, restraint, coercion or discrimination is practiced within such department or agency to discourage or encourage membership in any employee organization or to discourage or hinder the free exercise of the rights of employees hereunder. Provided that the rights described in this section do not extend to participation in the management of an employee organization or acting as its representative where such participation or activity would result in a conflict of interest or otherwise be incompatible with law or with the official duties of an employee.

98-C:3 Representation and Elections.

I. An employee organization designated or selected by the majority of the employees in the unit shall be the exclusive representative of all the employees in such unit for the purpose of this chapter, shall be entitled to recognition by all departments, agencies and appointing authorities as such exclusive representative; shall be entitled to confer upon and to adjust employee grievances, and to act for and to negotiate agreements covering all employees in the unit, and shall be responsible for representing the interest of all such employees without discrimination and without regard to employee membership in the organization.

II. Recognition of an employee organization as such exclusive representative shall not —

(a) If he so elects, preclude any employee, regardless of membership or non-membership in such organization, from bringing matters of personal concern to the attention of appropriate officials in accordance with applicable law, regulations or established policy, or from acting in his own behalf or choosing his own attorney or agent in a grievance or appellate action; or

(b) Preclude any employee who is not a member of such organization from having and enjoying, without discrimination, all employment rights and benefits available to members thereof.

III. If an employee organization claims the right to act as exclusive representative for any employees, it may file a petition with the commission setting forth its claims and describing the unit for which it claims the right of exclusive representation. No such petition may be considered unless it is supported by the signatures of at least twenty-five percent of the employees in the claimed unit or one hundred employees, whichever is less. The commission shall investigate such petition and may, upon due notice, conduct a hearing on the appropriateness of the unit. If the commission finds that the unit claimed or some other unit or units are appropriate and that a question of representation of such unit or units exists, it shall direct an election by secret ballot in such unit or units and shall certify the results thereof to the governor and the employee organization. The conduct of such elections shall be under the supervision of the director and shall be in ac-

cordance with regulations issued by the commission. The petitioners shall have the right to be heard on the question of election procedure. The director shall determine all questions of eligibility to vote, subject to the right of appeal to the commission. Upon the filing of a petition with the commission signed by twenty-five percent or more of the employees in the unit alleging that they desire to revoke a prior selection of an employee organization as exclusive representative, the commission shall likewise direct an election by secret ballot and shall certify the results thereof. No election shall be directed in any unit within which, in the preceding two-year period, a valid election shall have been held.

IV. An employee organization shall be entitled to have payroll deductions of membership dues upon presentation of dues deduction authorization cards signed by individual employees.

V. The names of employees signing petitions for elections or decertification shall be exempt from disclosure under RSA 91-A.

98-C:4 Agreements.

I. The chief executive officer of a unit is empowered to negotiate and enter into a written agreement for a term not exceeding five years with a certified and recognized employee organization as to the conditions of employment of employees in the unit, which may, without being limited thereto, include provisions —

(a) Establishing lawful procedures and steps for adjustment of grievances and disputes relating to conditions of employment, provided that the settlement thereof is not incompatible with law.

(b) Establishing lawful procedures and steps for conferring upon and considering recommendations for improvements in personnel policies and changes in classifications and allocations.

(c) Establishing lawful procedures and steps for arbitration of grievances and disputes relating to conditions of employment, which cannot be adjusted by agreement; the decision of the arbitrator or arbitrators to be final and binding on the parties unless it is incompatible with existing law or regulation or requires an appropriation of additional funds, in which case it shall be only advisory in nature.

(d) Establishing lawful procedures and steps for mediation or fact-finding to assist in the negotiation of an agreement in succession to one which is about to or has expired which provisions shall survive the term of the agreement.

II. Every such agreement shall contain a no-strike clause which shall survive the term of the agreement and remain in effect until a new agreement is negotiated covering the same employees. No such agreement shall infringe upon the rights of individual employees under RSA 98 and the regulations issued pursuant thereto. Such agreement shall at all times be subject to existing or future laws and all valid regulations adopted pursuant thereto. Every such proposed agreement shall be approved as to form and legality by the attorney general or his deputy or assistant prior to its execution.

III. Such agreements shall be binding on the state and the employee

organization and all department heads and appointing authorities and employee organizations shall be obligated to faithfully execute the provisions thereof.

98-C:5 Obligation to Negotiate. The chief executive officer of a unit, or his duly authorized representative or representatives, shall be required to meet with the duly authorized representative or representatives of a certified and recognized employee organization, upon request, and to bargain in good faith for the purpose of reaching agreement upon the terms of an agreement as provided in section 4.

98-C:6 Withdrawal of Recognition and Penalties. An employee organization may lose its right of exclusive representation by loss of a duly called election under section 3. The commission may decertify any recognized employee organization upon finding after due notice and hearing, that it fails to meet the standards of section 1, paragraph II or that it has actually called a strike against the state or any agency thereof or has assisted or participated in any such strike. Upon decertification as provided in this section, any agreement to which such employee organization is a party shall terminate forthwith and this condition shall be implied in all agreements negotiated hereunder. Any employee who engages in, participates in, or assists in a strike against the state or any agency thereof shall be subject to the disciplinary penalties provided by law and personnel regulations for serious misconduct.

98-C:7 Prerogatives of Management. The state retains the exclusive right through its department heads and appointing authorities, subject to the provisions of law and the personnel regulations (a) to direct and supervise employees, (b) to appoint, promote, discharge, transfer or demote employees, (c) to lay off unnecessary employees, (d) to maintain the efficiency of government operations, (e) to determine the means, methods and personnel by which operations are to be conducted, and (f) to take whatever actions are necessary to carry out the mission of the agency or department in situations of emergency.

290:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 27, 1969.]

[Effective date August 26, 1969.]

CHAPTER 291.

AN ACT PROVIDING FOR YEAR-ROUND INSPECTIONS OF MOTOR VEHICLES
AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

291:1 Specifically Staggering Inspection Dates. Amend RSA 260:14 as amended by 1965, 240:6 and 1969, 84:1 by striking out said section and inserting in place thereof the following: **260:14 Inspection Authorized.** The director may require the inspection of any motor vehicles, trailers, or semi-

trailers to determine whether it is fit to be operated. Such inspection shall be made at such times and in such manner as the director may specify; provided that all motor vehicles, trailers and semi-trailers registered under this chapter shall be inspected every six months with the first such inspection being required during the month in which the birth date of the owner is observed, if the owner is a private individual. If the owner is a company or corporation or other than a private individual the first inspection shall be made during the month of April and the second inspection shall be made during the month of October, provided, however, that newly registered vehicles and vehicles the ownership of which has been transferred shall have a period of ten days from registration or transfer of ownership in which to have said vehicle inspected. The director may authorize properly qualified persons to make inspections without expense to the state at stations designated by him, and may at any time revoke such authorization or designation, provided, however, that inspections conducted at such stations at the request and under the direction of a law enforcement agent or a safety inspector shall be paid for as follows: (a) in the event violations of this section are uncovered, by the owner of the vehicle or (b) in the event no such violations are uncovered, by the agency represented by the agent or inspectors. The annual fee to be paid by the inspection station upon authorization set forth herein shall be fifteen dollars and shall not be refundable.

291:2 Increasing Cost of Inspection Stickers. Amend chapter 260:15 as amended by 1965, 240:7 by striking out the said section and inserting in place thereof the following: 260:15 Fee. The fee for inspection stickers shall be fifteen cents for each sticker furnished by an approved inspection station. All unused stickers returned by the approved inspection station to the division of motor vehicles shall be refundable at the rate of fifteen cents each.

291:3 Appropriation. There are hereby appropriated the sums of forty-four thousand, seventy-one dollars and ninety-four cents for the fiscal year 1970, and fifty thousand, three hundred and fifty-one dollars and thirty-four cents for the fiscal year 1971, to be expended by the division of safety services as follows:

	Grade		1st Year Budget	2nd Year Budget
Safety Inspector	13	(2) Full Year	\$10,538.32	\$27,946.10
		(3) Half Year	7,903.64	
Clerk-Steno III	8		4,344.08	4,563.00
Key Punch Operator	4	3 months	1,847.90	
Newspaper Advertising			2,000.00	1,000.00
Vehicles \$2,200.00		(5)	11,000.00	
Clothing \$1,500.00		(5)	7,500.00	7,500.00
Food & Travel				
		(2) Full Year	3,000.00	
		(3) Half Year	2,250.00	
No. 1029 Key Punch — \$69.00				828.00
Per Month 3 months (Rental)			207.00	

No. 1059 Key Punch Verifier		
\$72.00 Per Month (Rental)		
3 month (Rental)	216.00	864.00
IBM Electric Typewriter	475.00	
Secretarial Deck	170.00	
Secretarial Chair		
\$40.00	(3)	120.00
Grand Total	\$44,071.94	\$50,351.34

The sums hereby appropriated shall be in addition to any other appropriations to said division. The governor is authorized to draw his warrants for said sums which shall be a charge against the highway funds.

291:4 Effective Date. This act shall take effect April 1, 1970.

[Approved June 30, 1969.]

[Effective date April 1, 1970.]

CHAPTER 292.

AN ACT REGULATING THE ACQUISITION OF DOMESTIC INSURANCE COMPANIES
AND DOMESTIC INSURANCE HOLDING COMPANIES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

292:1 New Chapter. Amend RSA by inserting after chapter 401 the following new chapter:

Chapter 401-A

Acquisitions or Offers to Acquire Certain Domestic Corporations.

401-A:1 Definitions. The following words or phrases, unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section:

I. "Acquire", as applied to insurance stocks and insurance holding company stock, means effecting an acquisition of such stock whether such acquisition is made directly or indirectly through an intermediary or otherwise.

II. "Associate" of a person means (i) any corporation or other organization of which such person is an officer, director or partner or of which such person is directly or indirectly the beneficial owner of ten percent or more of any class of its capital stock, (ii) any person who is directly or indirectly the beneficial owner of ten percent or more of any class of capital stock of such corporation or organization, (iii) any trust or other estate in which such person serves as trustee or in a similar fiduciary capacity and (iv) any relative or spouse of such person, or any relative of such spouse who has the same home as such person.

III. "Beneficial ownership" of capital stock by a person shall include beneficial ownership of such person and of each associate of such person

and shares of capital stock as to which such person or any associate of such person has the right of acquisition shall be deemed beneficially owned by such person. A person who has beneficial ownership of convertible securities shall also be deemed to be the beneficial owner of any shares or capital stock into which such securities are convertible.

IV. "Insurance holding company" means any corporation which owns beneficially more than fifty percent of any class of the outstanding capital stock of any insurance company organized under the laws of this state.

V. "Insurance holding company stock" means any capital stock of an insurance holding company.

VI. "Insurance stock" means any capital stock of any insurance company organized under the laws of this state.

VII. "Offer to acquire" means every attempt or offer to acquire, or solicitation of an offer to dispose of insurance stock or insurance holding company stock of any class, or any interest therein for value whether such attempt, offer, solicitation is made directly or indirectly through any intermediary or otherwise.

VIII. "Person" means an individual, a corporation, a partnership, an association, a joint stock company, a trust, or an unincorporated organization and such terms shall also include any group or combination thereof (whether or not such group or combination is a single legal entity) which directly or indirectly through any intermediary or otherwise (i) act together in concert for the purpose of acquiring insurance stock, or insurance holding company stock, or (ii) has the purpose of exercising together or in concert voting rights attaching to insurance stock, or insurance holding company stock.

IX. "Outstanding capital stock," "Outstanding insurance stock," and "Outstanding holding company stock" do not include capital stock of an issuer beneficially owned by such issuer.

401-A:2 Prohibitions. Without first complying with all applicable provisions of this chapter:

I. No person shall directly or indirectly through an intermediary or otherwise acquire, or offer to acquire, beneficial ownership of insurance stock, or insurance holding company stock if such acquisition (together with any past or proposed acquisitions from others) would cause such person to have beneficial ownership of more than ten percent of the outstanding insurance stock, or insurance holding company stock of any class of an issuer.

II. No person who beneficially owns ten percent or more of the outstanding insurance stock, or insurance holding company stock of any class of any issuer shall, directly or indirectly through an intermediary or otherwise, increase or attempt to increase such person's beneficial ownership of stock of any such class by acquisition of stock of such class, and

III. No person shall, directly or indirectly through an intermediary or otherwise, acquire or offer to acquire beneficial ownership of insurance stock or insurance holding company stock pursuant to a plan whereby such person would become the beneficial owner of more than ten percent of the

outstanding insurance stock, or insurance holding company stock of any issuer.

IV. In a case where it is proposed to acquire or to offer to acquire beneficial ownership of an insurance holding company stock and such insurance holding company is not incorporated under the laws of this state, the restrictions set forth in this section shall apply only if those to whom an offer to acquire the insurance holding company stock is to be made include one or more residents of this state.

401-A:3 Statement to be Filed. There shall be filed with the insurance commissioner not less than ten days prior to any acquisition or offer to acquire insurance stock or insurance holding company stock specified in section 2, a statement signed by the person proposing to make the acquisition, and verified by an oath or affirmation, which shall contain the information specified in this section and copies of all materials proposed to be used in connection with the offer or acquisition (which shall set forth information contained in the statement filed with the insurance commissioner). Copies of said statement and material and all amendments thereto shall, simultaneously with such filing, be also sent by registered or certified mail to the issuer of the insurance stock, or insurance holding company stock proposed to be acquired. The statement filed with the insurance commissioner shall be filed on such form or forms, if any, as the insurance commissioner shall prescribe and shall contain the following information and material and such additional information as the insurance commissioner shall by regulation prescribe as appropriate to enable him to make a determination under section 4 of this chapter:

I. The name and address of each person who proposes to acquire or offer to acquire insurance stock, or insurance holding company stock and (i) if such person is an individual his principal occupation during the past five years or (ii) if such person is not an individual and informative description of the business done and intended to be done by such person and such person's subsidiaries and the general development of such business during the past five years.

II. If such person is not an individual, a list of all persons who are directors, or executive officers of such person or who performs similar functions and all persons who have been nominated or elected as directors, or executive officers or to perform similar functions but who have not yet assumed their positions. The list shall include all positions and offices held by such persons named in the particular organization, and their principal occupations during the past five years.

III. The terms and conditions of any proposed offer and acquisition and the manner in which such offer and acquisition are to be made.

IV. The source of funds to be used in the proposed acquisition and if the funds are to be borrowed the name or names of the lender or lenders and a summary of the terms and conditions of the loan transactions.

V. Such plans, arrangements, understanding and intentions as such person may have for the future business and management of the issuer whose capital stock is to be acquired, and if such issuer is an insurance holding company of any insurance company fifty percent or more of whose capi-

tal stock of any class is beneficially owned by such an insurance holding company, including any plans, arrangements, understandings, or intentions with respect to total or partial liquidations, sale of assets, merger, material change in business, corporate structure, management or composition of the board of directors.

VI. The number of shares of each class of insurance stock, or insurance holding company stock, proposed to be acquired which are beneficially owned by the person proposing to acquire or offer to acquire insurance stock or insurance holding company stock as the case may be, or which are subject to rights of acquisitions by such person, the dates of any sales and purchases of such stock by such person and each associate of such person within the past two years, and the prices received or paid in connection with such sales and purchases.

VII. Information as to any contracts, arrangements, or understandings with any person with respect to any securities of the insurance company, or insurance holding company, whose capital is to be acquired including but not limited to, contracts, arrangements, or understandings, with respect to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantee of loans, guarantees against loss, or guarantees of profits division of losses or profits, or the giving, or the withholding of proxies, naming the persons with whom such contracts, arrangements, or understandings have been entered into and giving the details thereof.

VIII. A consent to service of process if required by section 5 of this chapter.

IX. Alternative Filing Materials. If any tender offer, request of invitation for tenders, or agreement to exchange or otherwise acquire securities or to merge or otherwise acquire control referred to in section 3 is proposed to be made by means of a registration statement under the Securities Act of 1933 or in circumstances requiring the disclosure of similar information under the Securities Exchange Act of 1934, or under a state law requiring similar registration or disclosure, the person required to file the statement referred to in section 3 may in lieu thereof, file the documents required by any such laws together with any other materials requested by the commissioner.

401-A:4 Commissioner's Discretion.

I. The insurance commissioner shall disapprove the acquisition of control of a domestic insurer or insurance holding company if he determines that such action is reasonably necessary to protect the interests of the people of this state or of the policyholders or stockholders of the insurer or insurance holding company. The following shall be the only factors to be considered by him in making the foregoing determination:

- (a) The financial condition of the acquiring person and the insurer,
- (b) The trustworthiness of the acquiring person or any of its officers or directors,
- (c) A plan for the proper and effective conduct of the insurer's operations,
- (d) Sources of funds or assets for the acquisition,

(e) The fairness of any exchange of stock, assets, cash or other consideration for the stock or assets to be received,

(f) Whether the effect of the acquisition may be substantially to lessen the competition in any line of commerce in insurance or to tend to create a monopoly therein and,

(g) Whether the acquisition is likely to be hazardous or prejudicial to the insurer's policyholders or stockholders.

II. If the insurance commissioner finds that the statement and other material filed pursuant to this chapter comply with the requirements of this chapter, and any regulations promulgated thereunder and if he has no reason to believe that such acquisition will be in conflict with the interest or of the people in this state or of the policyholders or stockholders of the insurer or insurance holding company as set forth above, the commissioner shall so notify the person filing the statement, the issuer whose stock is proposed to be acquired. Notice shall also be given by the insurance commissioner of any disapproval. If an approval is made by the insurance commissioner and not otherwise, the proposed offer and acquisition may thereafter be made and consummated on the terms and conditions and in the manner described in the statement and subject to such conditions as may be prescribed by the insurance commissioner as hereinafter provided.

III. The insurance commissioner may as a condition of his approving determination require the inclusion in any offer of provisions requiring the offer to remain open the specified minimum length of time, permitting withdrawal of shares deposited prior to the time the offerer becomes bound to consummate the acquisition and requiring pro rata acceptance of any shares deposited pursuant to the offer. The insurance commissioner shall hold a hearing for making the determination required by this section if within ten days following the filing with the insurance commissioner of the statement called for by section 3 of this chapter, written request for the holding of such hearings is made either by the person proposing to make the acquisition, by the issuer whose stock is proposed to be acquired. Otherwise, the insurance commissioner shall determine in his discretion whether such a hearing shall be held. Notice of any such hearing shall be given to the person proposing to make the acquisitions, to the issuer whose stock is proposed to be acquired and if such issuer is an insurance holding company to the insurance company, more than fifty percent of whose outstanding stock of any class is beneficially owned by such insurance holding company. Notice of any such hearing shall also be given to other persons, if any, as the insurance commissioner may determine.

401-A:5 Service of Process. Every person who files a statement with the insurance commissioner under this chapter shall file with the statement an irrevocable written consent that actions against such person arising out of violation of this chapter may be commenced in the superior court. Such consent shall provide that service of process, and similar service of pleading and notices such actions, shall be as valid and binding as if due service had been made upon the person himself according to the laws of this or any other state, if copies thereof are served on the insurance commissioner and transmitted by certified mail by the insurance commissioner to such person at his last address on file with the insurance commissioner. No such consent

shall be required from a person or a corporation or insurance company organized under the laws of this state or qualified to do business as a foreign corporation in this state.

401-A:6 Rules and Regulations. The insurance commissioner shall have the authority from time to time to make, amend and rescind such rules and regulations as may be necessary to carry out the provisions of this chapter.

401-A:7 Misleading Statements. No person who acquires or offers to acquire insurance stock or insurance holding company stock pursuant to this chapter shall make in connection therewith any false, deceptive or misleading statement, or omit to state any material fact necessary in order to make the statements made in light of the circumstances under which they are made not misleading, or engage in any act or practice which is fraudulent, deceptive or manipulative.

401-A:8 Injunctive Relief. If any person shall acquire or offer to acquire insurance stock or insurance holding company stock in violation of any provision of this chapter, or of any rule or regulation made pursuant to section 6, the issuer of the stock so acquired or proposed to be acquired, any stockholder of such issuer, and, if such issuer is an insurance holding company and the insurance company fifty percent or more whose outstanding capital stock of any class is beneficially owned by such insurance holding company, any stockholder of such insurance company or the insurance commissioner may petition the superior court of the county wherein the issuer has its primary place of business, for a decree enjoining such acquisition or offer and for such further relief as the court may deem appropriate. If such issuer does not have a place of business in this state, such petition may be filed with the superior court for Merrimack county.

401-A:9 Penalties. Any person who shall knowingly make or cause to be made any false statements in any document filed with the insurance commissioner under this chapter, or who shall violate any provision of this chapter, shall be guilty of a misdemeanor and upon conviction thereof, shall be sentenced to pay a fine of not more than five thousand dollars or imprisoned for not more than five years or both, provided, however, that no broker dealer whose participation in an offer or acquisition is limited to the performance of the customary broker's function in transactions effected on a stock exchange or the over the counter market who receives no more than the customary broker's commission and who does not solicit or arrange for the solicitation of orders to sell shares in capital stock in the corporation whose shares are being purchased and who has no knowledge that the principal has solicited or arranged to solicit any such orders, shall be deemed guilty of any violations of this chapter. The exemption of the broker dealer shall not exempt his principal.

401-A:10 Exceptions. The provisions of this chapter shall not apply in any of the following acquisitions or offers to acquire insurance stocks or insurance holding company stock:

- I. Any acquisition or offer by
 - (a) the issuer of such stock, or
 - (b) a person who, at the time, owns beneficially more than fifty per cent of the shares of each class proposed to be acquired.

II. An offer or acquisition which the insurance commissioner by order shall in a particular case exempt from the provisions of this chapter as not entered into for the purpose of, and not having the effect of, changing or influencing the control of the insurance company organized under the laws of the state or an insurance holding company and does not require the application of the procedures described in this chapter for the protection of stockholders whose shares are to be acquired, provided, that prior to the issuance of any such order, notice that he is considering the issuance of such an order shall be given by the insurance commissioner to the person proposing to make the offer or acquisition, to the issuer whose stock is proposed to be acquired, and, if such issuer is an insurance holding company, to the insurance company fifty per cent or more of whose outstanding capital stock of any class is beneficially owned by such insurance holding company. The insurance commissioner shall hold a hearing for the purpose of determining whether such an order should be granted if within ten days of the mailing of the said notice that he is considering the granting of such an order, written request for the holding of such a hearing made to the insurance commissioner by the issuer whose stock is proposed to be acquired or if such issuer is the insurance holding company by the insurance company fifty per cent or more of whose outstanding capital stock of any class is beneficially owned by such insurance holding company.

401-A:11 Examination.

I. Power of Commissioner. Subject to the limitation contained in this chapter and in addition to the powers which the commissioner has under RSA Title XXXVII relating to the examination of insurers, the commissioner shall also have the power to order any insurer to produce such records, books, or papers in the possession of the insurer or its affiliates as shall be necessary to verify the information required to be contained in the insurer's statement, as required by section 3, and any additional information pertinent thereto. Such books, records, papers, and information shall be examined in the manner prescribed in RSA Title XXXVII relating to the time and place of examination.

II. Purpose and Limitation of Examination. The purpose of the examination under paragraph I above shall be to verify the registration statement and any addition or amendment thereto made pursuant to this chapter. The commissioner shall exercise his power under paragraph I only if the examination of the insurer under RSA Title XXXVII is inadequate or the interests of the policyholders of such insurer are being adversely affected and, in any event, within three calendar years from the date of filing of such registration statement or such addition or amendment thereto unless there is fraud involved in which case the three year limitation is not applicable.

III. Use of Consultants. The commissioner may retain at the insurer's expense such attorneys, actuaries, accountants, and other experts not otherwise a part of the commissioner's staff as shall be reasonably necessary to assist in the conduct of the examination under paragraph I. Any persons or organizations so retained shall be under the direction and control of the commissioner and shall act in a purely advisory capacity.

IV. Expenses. Each insurer producing for examination records, books, and papers pursuant to paragraph I shall be liable for and shall pay the expense of such examination.

292:2 **Effective Date.** This act shall take effect upon its passage.

[Approved June 30, 1969.]

[Effective date June 30, 1969.]

CHAPTER 293.

AN ACT RELATIVE TO THE TRANSFER OF ASSETS OF AND INTEREST IN INSURANCE COMPANIES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

293:1 **New Chapter.** Amend RSA by inserting after chapter 403 the following new chapter:

Chapter 403-A Disposal of Assets

403-A:1 **Definitions.** As used in this chapter, the term

I. "Assets" includes all the property and rights of every kind of a domestic insurance company, or association.

II. "Total assets" means the dollar amount of the company's total assets as reported in its most recent convention statement.

III. "Disposal" includes any sale, transfer, exchange, assignment, alienation or other conveyance of an interest in assets, but does not include a ceding of policies pursuant to a reinsurance contract.

403-A:2 **Disposal of Assets.** Any domestic insurance company or association that, within any period of thirty days, by one or more transactions, disposes of any of its assets which, in the aggregate, amount to more than ten per cent of its total assets, shall send written notification thereof to the insurance commissioner. Such notification shall be given at least ten business days prior to the making of such disposal, and shall specify the nature and amount thereof, and identify all of the parties thereto.

403-A:3 **Reinsurance.** Any domestic insurance company or association except a domestic life insurance company, which, during any period of twelve consecutive months, by any contract or contracts of reinsurance, cedes an amount of its insurance on which the total gross reinsurance premiums are more than fifty per cent of the unearned premiums on the net amount of its insurance in force at the beginning of such period, shall give written notification thereof to the insurance commissioner. Any domestic life insurance company which reinsures its whole risk on any individual life or joint lives or reinsures policies which, during any period of twelve consecutive months, in the aggregate, amount to more than fifty per cent of its insurance in force shall give written notification thereof to the insurance commissioner. The notification required hereunder shall be given at least

ten business days before the date such reinsurance takes effect, and shall specify the nature and amount thereof, and identify the parties thereto. The requirements of this section shall not apply to reinsurance made in the ordinary course of business covering reinsurance of specified individual risks under agreements relating to current business.

403-A:4 Fraud by Officer, Etc. It shall be unlawful for any member, officer, director, or attorney-in-fact of any company, association, or exchange licensed to do an insurance business in this state to borrow, rent, hire, lease, or otherwise engage on behalf of such company, association or exchange the use of stocks, bonds, debentures, notes, investment certificates, securities, or other obligations or evidences of indebtedness owned or issued by any other corporation, company, association, or individual, or of any government, political subdivision or agency thereof, with intent to injure or defraud any other company, body politic or corporation, or person, or to deceive the insurance commissioner or other person legally authorized to examine the affairs of any such company, association, or exchange. Any person convicted of a violation of this section shall be imprisoned for not more than five years or fined not more than ten thousand dollars or both.

403-A:5 Fraud by Corporation. It shall be unlawful for any corporation organized under any law of this state, or the laws of any other state, or which has an office or is transacting business in this state, which is engaged in, or is claiming or advertising that it is engaged in, organizing or receiving subscriptions for or disposing of stocks of, or in any manner aiding or taking part in the formation or in the business of an insurance company, association, or exchange, either as agent or otherwise, or which is holding capital stock of one or more insurance companies for the purpose of controlling the management thereof as voting trustees or otherwise, or any employee, agent, or attorney thereof, that aids and abets such insurance company, association, or exchange to borrow, rent, hire, lease, or engage the use of such stock, bonds, debentures, notes, investment certificates, securities, or other obligations or evidences of indebtedness. Any corporation convicted of a violation of this section shall be fined not more than ten thousand dollars.

403-A:6 Possession of Stocks, Etc. If any insurance company, association, or exchange is found in possession of stocks, bonds, debentures, notes, investment certificates, securities, or other obligations or evidences of indebtedness acquired in violation of section 4, or if any of its officers, directors, members, or attorneys-in-fact have been convicted of a violation of section 4, such company, association, or exchange may be subject to suspension of its certificate of authority by the insurance commissioner. Nothing in this section shall be construed to prevent the insurance commissioner from bringing an action to dissolve such insurance company, association, or exchange.

Excessive Dividends

403-A:7 Definitions. As used in this subdivision, the following terms shall have the respective meanings hereinafter set forth; (a) Affiliate. An "Affiliate" of, or person affiliated with, a specific person, is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified, (b) In-

insurance Holding Company System. An "Insurance Holding Company System" consists of two or more affiliated persons, one or more of which is an insurer.

403-A:8 Extraordinary Dividends. No licensed insurance company shall, without filing with and receiving the approval of the insurance commissioner, declare any extraordinary dividend and dividend or distributions which together with those made within the preceding twelve months exceed in value and the lesser of ten percent of the insurer's surplus as regards policyholders as of the thirty-first day of December next preceding or one hundred percent of the net income for the twelve month period ending the thirty-first day of December next preceding. The insurance commissioner shall receive not less than thirty days notice and such notice period shall commence to run from the date of receipt of such notice by the commissioner. Any such dividend declared within the thirty day notice period, or declared without first giving such notice to the department, shall be invalid and shall confer no rights or benefits upon the holder of any such stock. The insurer's assets and surplus following any dividends or distributions shall be reasonable in relation to the insurer's outstanding liabilities and shall be adequate to meet its financial needs.

403-A:9 Notice Confidential. Every notice made pursuant to section 8 and any duly authenticated copy thereof, shall be, at the option of the insurer, a confidential communication and shall not be subject to subpoena and shall not be made public unless the commissioner, after giving the insurer and its affiliates who would be affected thereby notice and opportunity to be heard, determines that the interests of policyholders, shareholders or the public will be served by the publication thereof, in which event he may publish all or any part thereof in such manner as he may deem appropriate.

403-A:10 Investment in Holding Company. No licensed insurer may invest in common stocks or other equities issued by an insurance holding company or affiliate which in the aggregate exceed ten percent of the insurer's surplus as regards policyholders as of the thirty-first day of December next preceding.

403-A:11 Exemption. The commissioner may, by regulation, exempt in whole or in part any company or class of companies from the provisions of sections 8 and 10.

Rules

403-A:12 Rules and Regulations. The insurance commissioner shall, by regulation, prescribe the rules necessary for the administration of this chapter.

293:2 Return on Investment in Mutual Companies. Amend RSA 403:2 by striking out in line nine the word "six" and inserting in place thereof the word (ten) so that said section as amended shall read as follows: **403:2 Guaranty Fund established by Subscription.** Any mutual insurance company organized under the laws of this state may create not more than one guaranty fund by borrowing a sum of money not exceeding five hundred thousand dollars, by the issue of certificates of indebtedness upon such terms as the policyholders shall determine provided that such certificates shall not

be divided into classes in any way and that the holders of such certificates shall not be entitled to vote in the direction of the affairs of the company and shall not receive a greater return on their investment than ten per cent per annum. The commissioner, upon notice to the company and after hearing its objections, if any, may require any guaranty fund established under this section to be retired when he shall find it is no longer needed for protection of the policyholders.

293:3 Loans to Mutual Companies. Amend RSA 403 by inserting after section 3 the following new sections:

403:4 Loans to Companies. Any director, officer, or member of any mutual insurance company, other than a mutual life company, or any other person, may advance to such company any sum or sums of money necessary for the purpose of its business or to enable it to comply with any of the requirements of the law. Such moneys, and such interest thereon as may have been agreed upon, not exceeding ten per centum per annum, shall not be a liability or claim against the company or any of its assets, and shall be repaid only out of the surplus of such company. No commission or promotion expenses shall be paid in connection with the advance of any such money to the company, and the amount of such advance shall be reported in each annual statement. Such company shall prior to making such advances provide the insurance commissioner with such evidence as he may by regulation prescribe concerning the making of any such advance or the making of any payments, whether of principal or interest, on account thereof.

403:5 Rules. The insurance commissioner is hereby granted authority to issue such rules, regulations and orders as may be necessary to properly administer this chapter.

293:4 Mutual Corporations Limited. Amend RSA 401:3 by inserting in line two after the word "plan" the following (No such mutual corporations shall be incorporated after the first of July, 1969, to transact any kinds of insurance business on the assessment plan requiring as a condition for granting insurance the signing of a premium deposit note by the insured, which note is given for the purpose of establishing a limit of liability to assessment. Any such company currently licensed and operating on such plans shall be restricted to the lines of business in which it was engaged on July 1, 1969, provisions of RSA 401:7 notwithstanding) so that said section as amended shall read as follows: **401:3 Capital Stock.** Such a corporation may have a capital stock or may do business on the mutual plan. No such mutual corporations shall be incorporated after the first of July, 1969, to transact any kinds of insurance business on the assessment plan requiring as a condition for granting insurance the signing of a premium deposit note by the insured, which note is given for the purpose of establishing a limit of liability to assessment. Any such company currently licensed and operating on such plans shall be restricted to the lines of business in which it was engaged on July 1, 1969, provisions of RSA 401:7 notwithstanding.

293:5 Effective Date. This act shall take effect upon its passage.

[Approved June 30, 1969.]

[Effective date June 30, 1969.]

CHAPTER 294.

AN ACT TO AUTHORIZE COOPERATIVE BANKS AND BUILDING AND LOAN ASSOCIATIONS
TO INVEST EXCESS FUNDS IN STOCKS OR BONDS AS DESIGNATED LEGAL
INVESTMENTS BY THE BANK COMMISSIONER.

*Be it Enacted by the Senate and House of Representatives in General Court
convened:*

294:1 Other Investments. Amend RSA 393:27 by inserting after paragraph VII the following new paragraph: VIII. In stocks or bonds as are designated as legal investments on the legal list as prepared and maintained by the bank commissioner under RSA 387:25. Further provided that unless the guaranty fund of a cooperative bank or building and loan association is full and unimpaired, and the value of its assets as determined by the commissioner shall exceed the amount of the shares by at least five per cent, it shall be unlawful for it to invest in any preferred or common stocks, including shares of investment trust. Investments under this section shall be limited to five per cent of share liability, and not exceeding fifteen per cent of the surplus, guaranty fund, undivided profits and unallocated reserves shall be invested in the obligations or stock of any individual, partnership or corporation, except public obligations.

294:2 Change in the Heading. Amend the heading for RSA 393:27 by striking out the words "Investment of Excess Funds" and inserting in place thereof the following (Other Investments).

294:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 295.

AN ACT RELATIVE TO DEFRAUDING AN INNKEEPER.

*Be it Enacted by the Senate and House of Representatives in General Court
convened:*

295:1 Frauds. Amend RSA 580 by inserting after section 9 the following new subdivision:

Defrauding an Innkeeper

580:9-a Definitions. As used in the subdivision:

I. "Service" shall include, but not be limited to, labor, professional service, public utility service, transportation, accommodations, food, liquor, entertainment, property or equipment, rendered or furnished by, in, or through an inn or hotel.

II. "Credit card" shall mean any instrument, whether known as a credit card, credit plate, charge plate, or by any other name, which purports to evidence an undertaking to pay for service rendered or furnished to or upon the order of a designated person or bearer.

III. "Inn or hotel" shall include all types of establishments offering accommodations for rent either by the day, week or month, or any portion thereof, including but not limited to hotels, motels, apartment houses, rooming houses, inns, boardinghouses, trailer parks, restaurants or camping areas.

IV. "Owner" shall include the owner, manager, keeper, or any other person responsible for the management of an inn or hotel.

580:9-b Prohibition. It shall be unlawful for anyone to obtain, or attempt to obtain, service from, in, or through any inn or hotel:

I. With intent to defraud the owner thereof on a credit basis by the use of a credit card which has been stolen, forged, revoked, canceled, unauthorized or in any way invalidated for the purpose of obtaining such credit, or on any other basis; or

II. With intent to avoid payment therefor by unjustifiable failure or refusal to pay, by stealth, or by any misrepresentation of fact which he knows to be false.

580:9-c Penalty. Any person who shall obtain service from, in, or through an inn or hotel, with intent to defraud the owner of the inn or hotel, or with intent to avoid payment thereof, if the total value of such service does not exceed five hundred dollars, may be fined not more than five hundred dollars or imprisoned not more than six months or both. If the value of such service shall exceed five hundred dollars, he may be fined not more than one thousand dollars or imprisoned not more than one year, or both.

580:9-d Evidence. In prosecutions brought under this subdivision, it shall be prima facie evidence of intent to defraud or of intent to avoid paying an owner of an inn or hotel if service was obtained from, in, or through an inn or hotel, by:

I. A false or fictitious show or pretense of any baggage or other property, or

II. The use of a false or fictitious name; or

III. The use of any credit card, the privilege to use which has been revoked, canceled, unauthorized, or in any way invalidated by the issuer thereof; or

IV. Absconding without paying or offering to pay for the service prior to leaving such establishment unless a written agreement for credit has been executed; or

V. Surreptitiously removing or attempting to remove baggage or other property without having made payment; or

VI. Failing to make payment for any service after the owner, upon probable cause believing that the person has obtained service from, in, or through the inn or hotel with such intent to defraud or avoid payment, demands payment for such service.

295:2 Repeal. RSA 580:6 relative to defrauding an innkeeper is hereby repealed.

295:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 296.

AN ACT TO CHANGE THE VALUE OF STOCK WITHOUT NOMINAL OR PAR VALUE FOR THE PURPOSE OF FIXING FEE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

296:1 Change of Value of Stock Without Nominal or Par Value. Amend RSA 294:116 by inserting at the end thereof the following (for the first twenty thousand shares and for any additional shares shall be deemed to be of the value of one dollar per share) so that said section as amended shall read as follows: **294:116 Valuation of Stock for Purpose of Fixing Fee.** For the purposes of this subdivision, but for no other purposes, stock without nominal or par value shall be deemed to be of the value of fifty dollars per share for the first twenty thousand shares and for any additional shares shall be deemed to be of the value of one dollar per share.

296:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 297.

AN ACT RELATIVE TO THE PRACTICE OF PODIATRY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

297:1 Podiatry. Amend RSA 315:1, as amended by 1963, 259:1 by striking out said section and inserting in place thereof the following: **315:1 Requirements.** Any person admitted to practice podiatry in this state shall be required to pass an examination before said board. He shall be of good moral character and at least twenty-one years of age. He shall have graduated from a college of podiatry or podiatry medicine which is accredited by the American Podiatry Association, and maintaining at that time a standard satisfactory to the board. No person who is not licensed as a podiatrist as provided by section 8 shall practice or attempt to practice podiatry in the state or designate or describe his occupation by the use of any words or letters to lead others to believe that he is so licensed.

297:2 Increase in Membership. Amend RSA 315:2, as amended by 1963, 259:1 by striking out said section and inserting in place thereof the follow-

ing: **315:2 Board of Examiners.** The board shall consist of the secretary of the state board of medical examiners who shall act as secretary and treasurer and four others appointed by the governor, with the advice and consent of the council, to hold office for three years and until their successors are appointed and qualified. Vacancies shall be filled in like manner for the unexpired term. One appointed member shall be a licensed doctor of medicine and the others podiatrists who have practiced their profession in the state for at least five years. No podiatrist shall serve for more than two consecutive terms and may not be appointed for three years after said terms. A list of eligible podiatrists shall be furnished to the governor at least three months before any expired term or at his request, by the secretary of the state association of podiatry.

297:3 Rules and Regulations. Amend RSA 315:4 by striking out said section and inserting in place thereof the following: **315:4 Rules and Regulations.** The board may adopt such rules and regulations and blanks and forms of procedure as it may deem necessary to carry out the provisions of this chapter.

297:4 Licenses. Amend RSA 315:10, as amended by 1963, 259:1 by striking out said section and inserting in place thereof the following **315:10 Renewal.** Any person holding a podiatrist's license may have the same renewed for not more than one year, by filing with the secretary of said board an application therefor by July first upon blanks prescribed by said board and upon payment of the renewal fee.

297:5 Increase in Fees. Amend RSA 315:15, as amended by 1963, 259:3 by striking out said section and inserting in place thereof the following: **315:15 Fees.** The fee for examination shall be fifty dollars. The fee for re-examination shall be fifty dollars; for the issuing or renewal of a license of a resident of this state five dollars, and for the revival and renewal of an expired license per section 12 the fee shall be twenty dollars. Any license holder who allows his license to lapse beyond the thirty days as provided in section 12 may have the same revalidated at the discretion of the board after paying the fee for revival plus ten dollars for each year that said license has been lapsed by reason of failure to renew. The fee for the issuing or renewal of a license for a nonresident shall be ten dollars. The moneys thus received by the board shall be paid to the state treasurer.

297:6 Increase in Penalty. Amend RSA 315:16 by striking out said section and inserting in place thereof the following: **315:16 Penalty.** Any person who violates any provision of this chapter, shall be fined not less than one hundred nor more than one thousand dollars or imprisoned not less than three months nor more than one year or both.

297:7 Effective Date. This act shall take effect as of June 30, 1969.

[Approved June 30, 1969.]

[Effective date June 30, 1969.]

CHAPTER 298.

AN ACT AUTHORIZING THE ATTORNEY GENERAL TO DEMAND CERTAIN RECORDS
OF A TELEPHONE OR TELEGRAPH COMPANY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

298:1 Written Demand. Amend RSA 7 by inserting after section 6-a (supp) the following new section: **7:6-b Certain Records of Telephone or Telegraph Company.** Every public utility owning, operating or managing any plant or equipment or any part of the same for the conveyance of telephone or telegraph messages as defined in RSA 362:2, upon the written demand of the attorney general that he has reasonable grounds for belief that the service furnished to a person or to a location by such public utility has been, is being, or may be used for an unlawful purpose, shall furnish to the attorney general the names and addresses of persons to whom stated telephone numbers are assigned, the names, addresses and telephone numbers of persons to whom unlisted telephone service is furnished and any other records in the possession of such public utility relating to the service furnished to such person or location. No such public utility nor any agent, servant or employee thereof, shall be civilly or criminally responsible or liable for furnishing or delivering any records or information in compliance with said demand and the attorney general shall not disclose any information obtained as a result of said demand except as it is essential to the proper discharge of his duties.

298:2 Repeal. RSA 587:20 relative to information as to unlisted telephone is hereby repealed.

298:3 Effective Date. This act shall take effect upon passage.

[Approved June 30, 1969.]

[Effective date June 30, 1969.]

CHAPTER 299.

AN ACT TO CHANGE THE NAME OF MOUNT PLEASANT IN THE UNINCORPORATED
PLACE OF CHANDLER'S PURCHASE TO MOUNT EISENHOWER.

Be it Enacted by the Senate and House of Representatives in General Court convened:

299:1 Mount Eisenhower. The mountainous elevation located in the unincorporated place of Chandler's Purchase now known as Mount Pleasant shall hereafter be called and known as Mount Eisenhower.

299:2 Effective Date. This act shall take effect upon its passage.

[Approved June 30, 1969.]

[Effective date June 30, 1969.]

CHAPTER 300.

AN ACT RELATIVE TO COMPENSATION OF SENATE AND HOUSE CLERKS AND ASSISTANT CLERK AND RELATIVE TO INDEXES FOR JOURNALS AND SESSION LAWS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

300:1 Compensation of Senate Clerk. Amend RSA 14:19 (supp) as amended by 1955, 335:5 and 1961, 280:1 by striking out said section and inserting in place thereof the following: **14:19 Senate Clerk.** The compensation of the clerk of the senate shall be set at a rate of sixty dollars per day for each day of attendance and the president of the senate shall determine what days the clerk shall be in attendance, including but not being limited to the period from the last Wednesday of December to the date of convening of the next regular session of the general court.

300:2 Compensation of House Clerk. Amend RSA 14:20 (supp) as amended by 1961, 280:6 by striking out said section and inserting in place thereof the following: **14:20 House Clerk.** The compensation of the clerk of the house shall be set at a rate of sixty dollars per day for each day of attendance and the speaker of the house shall determine what days the clerk shall be in attendance, including but not being limited to the period from the last Wednesday of December to the date of convening of the next regular session of the general court.

300:3 Compensation of Assistant Clerks. Amend RSA 14:21 (supp) as amended by 1955, 335:6; 1961, 280:7 and 1965, 1:1 by striking out the same and inserting in place thereof the following: **14:21 Assistant Clerks.** The compensation of the assistant clerks of the senate and the house shall be set at a rate of forty-five dollars per day for each day of attendance and the president of the senate and the speaker of the house, as the case may be, shall determine what days the assistant clerk shall be in attendance, including but not being limited to the period from the last Wednesday of December to the date of convening of the next regular session of the general court.

300:4 Vacancies. Amend RSA 14:4 by striking out said section and inserting in place thereof the following: **14:4 Assistant Clerks.** In case of vacancy in the office of clerk of the senate or house of representatives, or of his absence or disability, the assistant clerk shall perform all the duties of the office, including the duties imposed upon the clerk by the provisions of this chapter. While an assistant clerk is performing the duties of clerk under this section, he shall be entitled to the compensation of the clerk.

300:5 Proceedings. Amend RSA 14:7 (supp) as amended by 1963, 74:1 by striking out said section and inserting in place thereof the following: **14:7 Journals of the Proceedings.**

I. As soon as possible after every final adjournment of a session of the general court, and in any case consistently with the schedule of performance set forth in contracts for printing and binding of the journals of the general court, the clerk of the senate shall file with the printer of the daily journal, and with the secretary of state for the permanent journal, a copy of the proceedings of the senate in proper form for printing and corrected page proofs of each.

II. As soon as possible after every final adjournment of a session of the general court, and in any case consistently with the schedule of performance set forth in contracts for printing and binding of the journals of the general court, a special committee of the senate consisting of the president or the majority floor leader, the minority floor leader and the committee on the journal may authorize the clerk of the senate to correct clerical errors or formal imperfections in the permanent journal of the proceedings of the senate clearly identifying the same, however, before it is filed with the secretary of state.

III. As soon as possible after every final adjournment of a session of the general court, and in any case consistently with the schedule of performance set forth in contracts for printing and binding of the journals of the general court, the clerk of the house shall file with the printer of the daily journal and with the secretary of state, for the permanent journal, a copy of the proceedings of the house in proper form for printing and corrected page proofs of each.

IV. As soon as possible after every final adjournment of a session of the general court, and in any case consistently with the schedule of performance set forth in contracts for printing and binding of the journals of the general court, a special committee of the house consisting of the speaker or the majority floor leader, the minority floor leader and the committee on the journal may authorize the clerk of the house to correct clerical errors or formal imperfections in the permanent journal of proceedings of the house clearly identifying the same, however, before it is filed with the secretary of state.

300:6 Session Laws. Amend RSA 20 by inserting after section 1-a (supp) as inserted by 1955, 23:1 a new section as follows: **20:1-b Index.** As soon as possible after every final adjournment of a session of the general court and in any case consistently with the schedule of performance set forth in contracts for printing and binding of session laws and journals of the general court, the law librarian of the state library shall prepare and furnish the secretary of state with a complete index of the acts and resolves passed by the general court during the session.

300:7 Index. Amend RSA 20:3 by striking out in line six the word "Fifty" and inserting in place thereof the word (Twenty-five) and by striking out in lines nine and ten the words "The clerk of each house shall prepare an index of its journal" and inserting in place thereof the words (as soon as possible after every final adjournment of a session of the general court and in any case consistently with the schedule of performance set forth in contracts for printing and binding of session laws and journals of the general court, the law librarian of the state library shall prepare and furnish the secretary of state with complete indices of the journals of proceedings of the senate and of the house of representatives during the session) so that said section as amended shall read as follows:

20:3 Journals. The clerks of the senate and house of representatives shall cause to be printed in pamphlet form at the close of each legislative day twelve hundred copies of the journals of their respective bodies, and shall cause one copy of each to be distributed to each member of those bodies

before the beginning of the session on the next legislative day. Twenty-five of such copies shall be delivered to the state library each day. At the close of the legislative session additional copies of such journals may be printed in such form and quantity as the secretary of state, with the approval of the governor and council, may direct. As soon as possible after every final adjournment of a session of the general court and in any case consistently with the schedule of performance set forth in contracts for printing and binding of session laws and journals of the general court, the law librarian of the state library shall prepare and furnish the secretary of state with complete indices of the journals of proceedings of the senate and of the house of representatives during the session.

300:8 Effective Date. This act shall take effect January 1, 1969.

[Approved June 30, 1969.]

[Effective date January 1, 1969.]

CHAPTER 301.

AN ACT TO PROVIDE ADDITIONAL RETIREMENT ALLOWANCES TO CERTAIN RETIRED MEMBERS OF THE POLICEMEN'S RETIREMENT SYSTEM.

Be it Enacted by the Senate and House of Representatives in General Court convened:

301:1 Additional Allowances for Certain Retired Permanent Policemen. Any retired permanent policeman whose retirement benefit under the provisions of RSA 103 is less than one hundred dollars per month and who retired prior to May 1, 1961, shall, beginning with the month of January 1970, and monthly thereafter, but not beyond the month of December 1970, receive an additional monthly retirement allowance equal to twice the amount by which his regular monthly retirement benefit is less than one hundred dollars.

301:2 Appropriation. In addition to any other funds appropriated for the policemen's retirement fund, there is hereby appropriated the sum of one thousand six hundred and sixty dollars to provide funds for the payment of the additional monthly retirement allowances provided by section 1 of this act. The governor is authorized to draw his warrant for the sum appropriated by this act out of any money in the treasury not otherwise appropriated.

301:3 Effective Date. This act shall take effect January 1, 1970.

[Approved June 30, 1969.]

[Effective date January 1, 1970.]

CHAPTER 302.

AN ACT RELATIVE TO THE NEIL R. UNDERWOOD SINKING FUND.

Be it Enacted by the Senate and House of Representatives in General Court convened:

302:1 Transfer of Funds. The state treasurer, after payment of all outstanding charges, if any, shall transfer the balance of the sinking fund established as a result of the bond issue authorized by the Laws of 1939, chapter 207, section 4, as amended by the Laws of 1941, chapter 87, section 3, and the Laws of 1947, chapter 150, section 2, known as the Neil R. Underwood sinking fund, to the highway fund.

302:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 303.

AN ACT RELATIVE TO ACTIONS FOR FRAUD.

Be it Enacted by the Senate and House of Representatives in General Court convened:

303:1 Statute of Frauds. Amend RSA 506 by inserting after section 2 the following new section: **506:2-a Actions Against Persons Discharged as Bankrupt.** No action shall be maintained against any person who may have been discharged as a bankrupt under the laws of the United States, or under the laws of this state pertaining to insolvency proceedings or assignments for the benefit of creditors, upon any promise to pay any debt or demand from which he was or shall be released by such discharge, unless such promise be made after such discharge, and be in writing and signed by the party to be charged therewith.

303:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 304.

AN ACT PROVIDING FOR TWO MEDICAL REFEREES IN MERRIMACK COUNTY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

304:1 Number Increased. Amend RSA 611:2 by striking out in line three the words "for Rockingham, two" and inserting in place thereof the following (for Merrimack and Rockingham, two each) so that said section

as amended shall read as follows: **611:2 Number.** The number of medical referees appointed shall be as follows: For the counties of Coos, Grafton and Hillsborough, three each; for Merrimack and Rockingham, two each; for each other county, one.

304:2 Area. Amend RSA 611 by inserting after section 2 the following new section: **611:2-a — Merrimack County.** Of the two medical referees for the county of Merrimack provided for by section 2, one shall be appointed from the northern area of the county and one shall be appointed from the southern area. For the purposes of this section the northern area of the county shall be comprised of Danbury, Hill, Wilmot, New London, Andover, Salisbury, Franklin, Northfield, Canterbury, Boscawen, Webster, Warner, Bradford, Newbury and Sutton; and the southern area shall be comprised of Allenstown, Bow, Chichester, Concord, Dunbarton, Epsom, Henniker, Hooksett, Hopkinton, Loudon, Pembroke and Pittsfield.

304:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 305.

AN ACT RELATIVE TO JURISDICTION OF THE COURTS OVER NONRESIDENT INDIVIDUALS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

305:1 Nonresident Defendant. Amend RSA 510:4 by striking out said section and inserting in place thereof the following:

510:4 Nonresident Defendant.

I. Jurisdiction. Any person, who is not an inhabitant of this state, and who in person or through an agent transacts any business within this state, commits a tortious act within this state, or has the ownership, use, or possession of any real or personal property situated in this state, submits himself, or his personal representative, to the jurisdiction of the courts of this state as to any cause of action arising from or growing out of the acts enumerated above.

II. Service of Process on Secretary of State. Service of process upon any person who is subject to the jurisdiction of this state, as provided in this section, may be made by leaving a copy thereof, with a fee of three dollars, in the hands or office of the secretary of state. Such service shall be of the same legal force and effect as if served on the defendant at his abode or place of business in the state or country where he resides and according to the law of that state or country, provided that notice thereof and a copy of the process is forthwith sent by registered mail, postage prepaid, by the plaintiff or his attorney to the defendant at his last known abode or place of business in the state or country in which the defendant resides. The defendant's return receipt and an affidavit of the plaintiff or his attorney of compliance with the section shall be appended to the process and entered

therewith. In the event that the notice and a copy of the process are not delivered to or accepted by the defendant, the court may order such additional notice, if any, as justice may require.

III. Record of Process. The secretary of state shall keep a record of all such process, served in accordance with this section, and said record shall show the date and hour of service in the hands or office of the secretary of state.

IV. Continuance of Action; Costs. The court in which the action is pending may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend this action. The fee of three dollars paid to the secretary of state by the plaintiff at the time of the service shall be taxed in his costs, if he prevails in his suit.

V. Service — Not Exclusive. The method of service provided by this section is not exclusive and service on nonresident individuals may be made in any other manner provided by law.

305:2 Repeal. RSA 510:5 and RSA 510:7 relative to service of process on nonresident defendants are hereby repealed.

305:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 306.

AN ACT PERMITTING DANCING AFTER MIDNIGHT IN PUBLIC PLACES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

306:1 Dancing after Midnight. Amend RSA 578:5 by inserting in line seven after the word "dancing" the words (on the Lord's Day after 1 a.m.) so that said section as amended shall read as follows: **578:5 Exceptions.** Nothing in this chapter shall prevent the selectmen of any town, or the city council of any city, from adopting by-laws and ordinances permitting and regulating retail business, plays, games, sports, and exhibitions on the Lord's Day, provided such by-laws and ordinances are approved by a majority vote of the legal voters present and voting at the next regular election. But no such by-laws or ordinances shall permit public dancing on the Lord's Day after 1 a.m., horse racing, or prize fights at any time on the Lord's Day, or the games of baseball, hockey, or football, or any games, sports, or exhibitions of physical skill at which admission is charged or donations accepted, to be held earlier than one o'clock in the afternoon, or the opening of theatrical or vaudeville performances or motion pictures earlier than two o'clock in the afternoon.

306:2 Effective Date. This act shall take effect upon its passage.

[Approved June 30, 1969.]

[Effective date June 30, 1969.]

CHAPTER 307.

AN ACT RELATIVE TO THE DATE TOWN AND CITY CLERKS SHALL DEPOSIT
PERMIT MONIES WITH THE CITY OR TOWN TREASURY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

307:1 Accounting for Receipts. Amend RSA 260:31 by striking out in lines three and four the following words "the last Saturday of each month" and inserting in place thereof the following (or before the tenth day of the following month,) so that said section as amended shall read as follows:
260:31 Accounting for Receipts. Each designated city official and town clerk shall keep an account of the money received by him for said permits and deposit the same in the city or town treasury on or before the tenth day of the following month, to be used for the general purposes of the city or town. Failure to deposit shall be cause for immediate removal from office. Town clerks shall be paid on orders drawn on the town treasurer by the selectmen fifty cents for each permit issued.

307:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 308.

AN ACT PROVIDING FOR RECOVERY OF INTEREST, AND COST OF COLLECTION FEES IN
ACTIONS TO COLLECT ON CHECKS, DRAFTS OR ORDERS ISSUED AGAINST
NON-EXISTENT ACCOUNTS OR INSUFFICIENT FUNDS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

308:1 New Chapter. Amend RSA by inserting after chapter 544 the following new chapter:

Chapter 544-A**Civil Liability For Bad Checks**

544-A:1 Civil Offender. A person who willfully, with intent to defraud makes, draws or issues any check, draft or order upon any bank, banking association or other depository for the purpose of obtaining from any person, firm, partnership or corporation any money, merchandise, property or other thing of value or paying for any services, wages, salary or rent, which check, draft or order is not honored upon presentment because the maker, drawer or issuer does not have the account with the depository upon which the check, draft or order has been made or drawn, or does not have sufficient funds in such account or sufficient credit with such depository for payment of the check, draft or order in full, shall be liable to the holder of the check, draft or order in a civil action as provided in this chapter.

544-A:2 Penalty. A person described in section one of this chapter shall be liable to the holder of any check, draft or order on any bank for the amount thereon, for interest, court costs and all reasonable costs of collection.

544-A:3 Evidence of Intent. In any such civil action, any of the following shall be prima facie evidence that the person making, drawing or issuing the check, draft or order did so willfully with an intention to defraud:

I. Proof that at the time of issuance, the maker, drawer or issuer did not have the account with the depository upon which the check, draft or order was made or drawn or did not have sufficient funds in his account or credit with the depository for payment in full of the check, draft or order, and that he failed within ten days after receiving notice of nonpayment or dishonor to pay the check, draft or order; or

II. Proof that when presentment was made within a reasonable time, the maker, drawer or issuer did not have the account with the depository upon which the check, draft or order was drawn or made or did not have sufficient funds in such account or credit with such depository for payment in full of the check, draft or order, and that he failed within ten days after receiving notice of nonpayment or dishonor to pay the check, draft or order.

544-A:4 Notice of Nonpayment. "Notice" as used in RSA 544-A:3 means notice given to the maker, drawer or issuer of the check, draft or order, either in person or in writing. Such notice in writing shall be conclusively presumed to have been given when properly deposited in the United States mails, postage prepaid, by certified or registered mail, return receipt requested, and addressed to such maker, drawer or issuer at his address as it appears on the check, draft or order or at his last known address.

308:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 309.

AN ACT PERMITTING THE PURCHASE OF FIREARMS IN CONTIGUOUS STATES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

309:1 New Chapter. Amend RSA by inserting after chapter 159 the following new chapter:

Chapter 159-A

Purchase of Shotguns and Rifles

159-A:1 Purchase in Contiguous States. Residents of the state of New Hampshire may purchase rifles and shotguns in a state contiguous to the state of New Hampshire, provided that such residents conform to the applicable provisions of the Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and

provided further that such residents conform to the provisions of law applicable to such purchase in the state of New Hampshire and in the contiguous state in which the purchase is made.

159-A:2 Purchase by Nonresidents. Residents of a state contiguous to the state of New Hampshire may purchase rifles and shotguns in the state of New Hampshire, provided that such residents conform to the applicable provisions of the Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the provisions of law applicable to such purchase in the state of New Hampshire and in the state in which such persons reside.

309:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 310.

AN ACT RELATIVE TO CONFLICT OF INTEREST FOR CERTAIN PUBLIC OFFICIALS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

310:1 Public Officials. Amend RSA 95:1 by striking out the same and inserting in place thereof the following: **95:1 Public Officials Barred From Certain Private Dealings.** No person holding a public office, excepting only members of the general court, as such, in state or any political subdivision governmental service shall, by contract or otherwise, except by open competitive bidding, buy real estate, sell or buy goods, commodities, or other personal property of a value in excess of twenty-five dollars at any one sale to or from the state or political subdivision under which he holds his public office.

310:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 311.

AN ACT ESTABLISHING AN INTERIM COMMITTEE TO STUDY MEANS BY WHICH MAN-MADE PITS IN THE EARTH MAY BE PLANED OFF SO AS TO PREVENT HAZARDOUS AREAS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

311:1 Committee Established. A special interim committee is hereby established to study the problem of hazardous man-made pits in the earth,

and to determine the feasibility of planing off the pits to prevent such hazardous conditions. The committee shall consist of three members of the house resources, recreation, and development committee, to be appointed by the chairman. The members of the committee shall report back to the 1971 legislature with drafted recommendations of their findings.

311:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 312.

AN ACT ADOPTING THE UNIFORM TRUSTEES' POWERS ACT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

312:1 New Chapter. Amend RSA by inserting after chapter 564 the following new chapter:

Chapter 564-A

Uniform Trustees' Powers Act

564-A:1 Definitions. As used in this chapter:

I. "Trust" means an express trust created by a trust instrument, including a will, whereby a trustee has the duty to administer a trust asset for the benefit of a named or otherwise described income or principal beneficiary, or both; "trust" does not include a resulting or constructive trust, a business trust which provides for certificates to be issued to the beneficiary, an investment trust, a voting trust, a security instrument, a trust created by the judgment or decree of a court, a liquidation trust, or a trust for the primary purpose of paying dividends, interest, interest coupons, salaries, wages, pensions or profits, or employee benefits of any kind, an instrument wherein a person is nominee or escrowee for another, a trust created in deposits in any financial institution, or other trust the nature of which does not admit of general trust administration;

II. "Trustee" means an original, added, or successor trustee;

III. "Prudent man" means a trustee whose exercise of trust powers is reasonable and equitable in view of the interests of income or principal beneficiaries, or both, and in view of the manner in which men of ordinary prudence, diligence, discretion, and judgment would act in the management of their own affairs.

564-A:2 Powers of Trustee Conferred by Trust or Law.

I. The trustee has all powers conferred upon him by the provisions of this chapter unless limited in the trust instrument.

II. An instrument which is not a trust within the meaning of section 1 may incorporate any part of this chapter by reference.

564-A:3 Powers of Trustees Conferred by this Chapter.

I. From time of creation of the trust until final distribution of the assets of the trust, a trustee has the power to perform, without court authorization, every act which a prudent man would perform for the purposes of the trust including but not limited to the powers specified in paragraph III.

II. In the exercise of his powers including the powers granted by this chapter, a trustee has a duty to act with due regard to his obligation as a fiduciary including a duty not to exercise any power under this chapter in such a way as to deprive the trust of an otherwise available tax exemption, deduction or credit for tax purposes or deprive a donor of a trust asset of a tax exemption, deduction or credit or operate to impose a tax upon a donor or other person as owner of any portion of the trust. "Tax" includes, but is not limited to, federal, state or local income, gift, estate, or inheritance tax.

III. A trustee has the power, subject to paragraphs I and II:

(a) to collect, hold, and retain trust assets received from a trustor until, in the judgment of the trustee, disposition of the assets should be made; and the assets may be retained even though they include an asset in which the trustee is personally interested;

(b) to receive additions to the assets of the trust;

(c) to continue or participate in the operation of any business or other enterprise, and to effect incorporation, dissolution, or other change in the form of the organization of the business or enterprise;

(d) to acquire an undivided interest in a trust asset in which the trustee, in any trust capacity, holds an undivided interest;

(e) to invest and reinvest trust assets in accordance with the provisions of the trust or as provided by law;

(f) to deposit trust funds in a bank, including a bank operated by the trustee;

(g) to acquire or dispose of an asset, for cash or on credit, at public or private sale; and to manage, develop, improve, exchange, partition, change the character of, or abandon a trust asset or any interest therein; and to encumber, mortgage, or pledge a trust asset for a term within or extending beyond the term of the trust, in connection with the exercise of any power vested in the trustee;

(h) to make ordinary or extraordinary repairs or alterations in buildings or other structures, to demolish any improvements, to raze existing or erect new party walls or buildings;

(i) to subdivide, develop, or dedicate land to public use; or to make or obtain the vacation of plots and adjust boundaries; or to adjust differences in valuation on exchange or partition by giving or receiving consideration; or to dedicate easements to public use without consideration;

(j) to enter into a lease as lessor or lessee with or without option to purchase or renew for a term within or extending beyond the term of the trust for any purpose;

(k) to enter into a lease or arrangement for exploration and removal of minerals or other natural resources or enter into a pooling or unitization agreement;

(l) to grant an option involving disposition of a trust asset, or to take an option for the acquisition of any asset;

- (m) to vote a security, in person or by general or limited proxy;
- (n) to pay calls, assessments, and any other sums chargeable or accruing against or on account of securities;
- (o) to sell or exercise stock subscription or conversion rights; to consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution, or liquidation of a corporation or other business enterprise;
- (p) to hold a security in the name of a nominee or in other form without disclosure of the trust, so that title to the security may pass by delivery; the trustee is liable for any act of the nominee in connection with the stock so held;
- (q) to insure the assets of the trust against damage or loss, and the trustee against liability with respect to third persons;
- (r) to borrow money to be repaid from trust assets or otherwise; to advance money for the protection of the trust, and for all expenses, losses and liabilities sustained in the administration of the trust or because of the holding or ownership of any trust assets, for which advances with any interest the trustee has a lien on the trust assets as against the beneficiary;
- (s) to pay or contest any claim; to settle a claim by or against the trust by compromise, arbitration, or otherwise; and to release, in whole or in part, any claim belonging to the trust to the extent that the claim is uncollectible;
- (t) to pay taxes, assessments, compensation of the trustee, and other expenses incurred in the collection, care, administration, and protection of the trust;
- (u) to allocate items of income or expense to either trust income or principal, as provided by law, including creation of reserves out of income for depreciation, obsolescence, amortization, or for depletion in mineral or timber properties;
- (v) to pay any sum distributable to a beneficiary under legal disability, without liability to the trustee, by paying the sum to the beneficiary or by paying the sum for the use of the beneficiary either to a legal representative appointed by the court, or if none, to a relative;
- (w) to effect distribution of property and money in divided or undivided interests and to adjust resulting differences in valuation;
- (x) to employ persons, including attorneys, auditors, investment advisors, or agents, even if they are associated with the trustee, to advise or assist the trustee in the performance of his administrative duties; to act without independent investigation upon their recommendations; and instead of acting personally, to employ one or more agents to perform any act of administration, whether or not discretionary;
- (y) to prosecute or defend actions, claims or proceedings for the protection of trust assets and of the trustee in the performance of his duties;
- (z) to execute and deliver all instruments which will accomplish or facilitate the exercise of the powers vested in the trustee.

564-A:4 Trustee's Office Not Transferable. The trustee shall not transfer his office to another or delegate the entire administration of the trust to a cotrustee or another.

564-A:5 Power of Court to Permit Deviation or to Approve Transactions Involving Conflict of Interest.

I. This chapter does not affect the power of a court of competent jurisdiction for cause shown and upon petition of the trustee or affected beneficiary and upon appropriate notice to the affected parties to relieve a trustee from any restrictions on his power that would otherwise be placed upon him by the trust or by this chapter.

II. If the duty of the trustee and his individual interest or his interest as trustee of another trust, conflict in the exercise of a trust power, the power may be exercised only by court authorization (except as provided in subparagraphs (a), (d), (f), (r) and (x) of section 3, III) upon petition of the trustee. For purposes of this section, in the case of a corporate trustee personal profit or advantage to an affiliated or subsidiary company or association is personal profit to the trustee.

564-A:6 Powers Exercisable by Joint Trustees; Liability.

I. Any power vested in three or more trustees may be exercised by a majority, unless the instrument or authority creating the trust shall otherwise provide, but a trustee who has not joined in exercising a power is not liable to the beneficiaries or to others for the consequences of the exercise; and a dissenting trustee is not liable for the consequences of an act in which he joins at the direction of the majority of the trustees, if he expressed his dissent in writing to any of his cotrustees at or before the time of the joinder.

II. If two or more trustees are appointed to perform a trust, and one or more of them for any reason is unable to, or refuses to accept the appointment, or, having accepted, ceases to be a trustee, the surviving or remaining trustees shall perform the trust and succeed to all the powers, duties, and discretionary authority given to the trustees jointly.

III. This section does not excuse a cotrustee from liability for failure either to participate in the administration of the trust or to attempt to prevent a breach of trust.

564-A:7 Third Persons Protected in Dealing with Trustee. With respect to a third person dealing with a trustee or assisting a trustee in the conduct of a transaction, the existence of trust powers and their exercise by the trustee may be assumed without inquiry. The third person is not bound to inquire whether the trustee has power to act or is properly exercising the power, and a third person, without actual knowledge that the trustee is exceeding his powers or improperly exercising them, is fully protected in dealing with the trustee as if the trustee possessed and properly exercised the powers he purports to exercise. A third person is not bound to assure the proper application of trust assets paid or delivered to the trustee.

564-A:8 Applicability of Chapter. Except as specifically provided in the trust, the provisions of this chapter apply to any trust established after the effective date of this chapter and to any trust asset acquired by the trustee after the effective date of this chapter.

564-A:9 Uniformity of Interpretation. This chapter shall be construed to effectuate its general purpose to make uniform the law of those states which enact it.

564-A:10 Title. This chapter may be cited as the "Uniform Trustees' Powers Act."

564-A:11 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

312:2 Repeal. RSA 564:3 relative to trustees is hereby repealed.

312:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 313.

AN ACT RELATIVE TO TRESPASSES ON PRIVATE PROPERTY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

313:1 Notice to Public. Amend RSA 572 by inserting after section 16 (supp) as amended by 1955, 176:2; 1959, 210:2; and 1961, 238:2 the following new section: **572:16-a Notice to Public.** The requirements for notice referred to in sections 15 and 15-a and established in section 16 may be varied at the landowners discretion. In such a case, the notice shall be sufficient if it contains instead of the words "NO HUNTING OR TRESPASSING" one of the following: "NO TRESPASSING" or "NO HUNTING" or "NO FISHING" or "NO HUNTING OR FISHING". In all other aspects, said notice shall conform to the requirements set out in section 16.

313:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 314.

AN ACT TO ALLOW THE LIBELEE IN A DIVORCE ACTION TO CHANGE HER NAME.

Be it Enacted by the Senate and House of Representatives in General Court convened:

314:1 Name Change. Amend RSA 458:24 by inserting in line four after the word "marriage" the following (If the wife is the libelee in a libel for divorce, she may petition the court when the decree of divorce is granted to change her name to the name she bore before her last marriage. The court may grant said petition in its discretion) so that said section as amended shall read as follows: 458:24 Decree. In proceedings for divorce, when the

libelant shall have asked in the libel to have her name changed, the court may, when a divorce is decreed, decree the change of her name to that which she bore before her last marriage. If the wife is the libelee in a libel for divorce, she may petition the court when the decree of divorce is granted to change her name to the name she bore before her last marriage. The court may grant said petition in its discretion.

314:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 315.

AN ACT RELATIVE TO PROFESSIONAL ASSOCIATIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

315:1 Professional Engineers. Amend RSA 294-A:5 (supp) as inserted by 1969, 111:1 by inserting in line six after the word "state" the following: (provided that a professional association of engineers shall submit at time of organization and annually thereafter to the secretary of state a certificate of authorization as set forth in RSA 319:32) so that said section as amended shall read as follows: 294-A:5 Annual Statement of Names and Addresses of Stockholders. A professional association shall, on or before April first of each year, furnish a statement to the secretary of state showing the names and post office addresses of all shareholders, and shall certify that all its stockholders are duly licensed or otherwise legally authorized to render professional service in this state, provided that a professional association of engineers shall submit at time of organization and annually thereafter to the secretary of state a certificate of authorization as set forth in RSA 319:32. This report shall be made on such form as shall be prescribed and furnished by the secretary of state, shall be signed by the president or vice president and the secretary or an assistant secretary of the association, acknowledged and sworn to before a notary public by the persons signing the report, and shall be filed in the office of the secretary of state.

315:2 Effective Date. This act shall take effect on July 5, 1969.

[Approved June 30, 1969.]

[Effective date July 5, 1969.]

CHAPTER 316.

AN ACT TO INCREASE THE MINIMUM COVERAGE OF MOTOR VEHICLE LIABILITY INSURANCE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

316:1 Minimums Increased. Amend RSA 268:1 VII as amended by 1955, 76:1, by striking out in line fifteen the word "ten" and inserting in place thereof the word (fifteen) and by striking out in line eighteen the word "twenty" and inserting in place thereof the word (thirty) so that said paragraph as amended shall read as follows: VII. "Motor Vehicle Liability Policy," a policy of liability insurance which provides: (a) indemnity for or protection to the insured and any person responsible to him for the operation of the insured's motor vehicle, trailer, or semi-trailer who has obtained possession or control thereof with his express or implied consent, against loss by reason of the liability to pay damages to others for damage to property, except property of others in charge of the insured or his employees, or bodily injuries, including death at any time resulting therefrom, accidentally sustained during the term of said policy by any person other than the insured, or employees of the insured actually operating the motor vehicle or such other person responsible as aforesaid who are entitled to payments or benefits under the provisions of any workmen's compensation act, arising out of the ownership, operation, maintenance, control, or use within the limits of the United States of America or the Dominion of Canada of such motor vehicle, trailer or semi-trailer, to the amount or limit of at least fifteen thousand dollars on account of injury to or death of any one person, and subject to such limits as respects injury to or death of one person, of at least thirty thousand dollars on account of any one accident resulting in injury to or death of more than one person, and of at least five thousand dollars for damage to property of others, as herein provided, or a binder pending the issue of such a policy or an endorsement to an existing policy, as defined in sections 15, 16, and 18, and (b) which further provides indemnity for or protection to the named insured and to the spouse of such named insured as insured if a resident of the same household, or the private chauffeur or domestic servant acting within the scope of the employment of any such insured with respect to the presence of any such insured in any other motor vehicle, from liability as a result of accidents which occur in New Hampshire due to the operation of any motor vehicle, trailer, or semi-trailer not owned in whole or in part by such insured, provided, however, the insurance afforded under this subparagraph (b) applies only if no other valid and collectible insurance is available to the insured.

316:2 Satisfaction of Judgment for Injury to One Person. Amend RSA 268:10 I as amended by 1955, 76:2, by striking out in line one the word "ten" and inserting in place thereof the word (fifteen) so that said paragraph as amended shall read as follows: I. When fifteen thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or

316:3 Satisfaction of Judgment for Injury to Two or More Persons. Amend RSA 268:10 II as amended by 1955, 76:2 by striking out in line one the word "ten" and inserting in place thereof the word (fifteen) and by striking out in line two the word "twenty" and inserting in place thereof the word (thirty) so that said paragraph as amended shall read as follows: II. When, subject to such limit of fifteen thousand dollars because of bodily injury to or death of one person, the sum of thirty thousand dollars has been

credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

316:4 Limits Increased. Amend RSA 268:19 as amended by 1955, 76:3 by striking out in line five the word "ten" and inserting in place thereof the word (fifteen) and by striking out in line seven the word "twenty" and inserting in place thereof the word (thirty) so that said section as amended shall read as follows: **268:19 Amount of Proof of Financial Responsibility.** Proof of financial responsibility shall mean proof of ability to respond in damages for any liability thereafter incurred, as a result of accidents which occur in New Hampshire, arising out of the ownership, maintenance, control, or use of a motor vehicle, trailer, or semi-trailer in the amount of fifteen thousand dollars because of bodily injury or death to any one person, and subject to said limit respecting one person, in the amount of thirty thousand dollars because of bodily injury to or death to two or more persons in any one accident, and in the amount of five thousand dollars because of injury to and destruction of property in any one accident. Whenever required under this chapter such proof in such amounts shall be furnished for each motor vehicle, trailer, or semi-trailer registered by such person.

316:5 Effective Date. This act shall take effect on January 1, 1970.
[Approved June 30, 1969.]
[Effective date January 1, 1970.]

CHAPTER 317.

AN ACT RELATIVE TO SEARCH WARRANTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

317:1 Search Warrants. Amend RSA by inserting after chapter 595 the following new chapter:

Chapter 595-A Search Warrants

595-A:1 Issuance of Search Warrants; Purposes. A search warrant authorized by this chapter may be issued by any justice, associate justice or special justice of the municipal, district or superior courts to search for and seize any property which is (a) stolen, embezzled or fraudulently obtained; or (b) designed or intended for use or which is or has been used as the means of committing a criminal offense; or (c) contraband; or (d) evidence of the crime to which the probable cause upon which the search warrant is issued relates.

595-A:2 Requisites of Warrant. Search warrants shall designate or describe the person, building, vessel, or vehicle to be searched and shall particularly describe the property or articles to be searched for. They shall be substantially in the form prescribed in section 3 of this chapter and shall be directed to a sheriff or his deputy or to a constable or police officer, com-

manding him to search in the daytime, or if the warrant so directs, in the nighttime, the person, building, vessel, or vehicle where the property or articles for which he is required to search are believed to be concealed, and to bring such property or articles when found, and the persons in whose possession they are found, before a court having jurisdiction.

595-A:3 Form of Warrant. The warrant shall be in substantially the following form:

The State of New Hampshire

(County), ss.

(Name) Court.

To the Sheriffs of our several counties, or their deputies, any State Police Officer, or any Constable or Police Officer of any city or town, within our said State.

Proof by affidavit (supplemented by oral statements under oath) having been made this day before (name of person authorized to issue warrant) by (names of person or persons whose affidavits have been taken) that there is probable cause for believing that (certain property has been stolen, embezzled, or fraudulently obtained; certain property is intended for use or has been used as the means of committing a crime; contraband; evidence of the crime to which the probable cause upon which the search warrant is issued relates.)

We therefore command you in the daytime (or at any time of the day or night) to make an immediate search of (identify premises) (occupied by A.B.) and (of the person of A.B.) and of any person present who may be found to have such property in his possession or under his control or to whom such property may have been delivered, for the following property:

(description of property)

and if you find any such property or any part thereof to bring it and the persons in whose possession it is found before (court having jurisdiction) at (name of court and location).

Dated at (city or town) this day of ,
19 ..

595-A:4 Affidavit in Support of Application for Warrant; Contents and Form. A person seeking a search warrant shall appear personally before a court or justice authorized to issue search warrants in criminal cases and shall give an affidavit in substantially the form hereinafter prescribed. Such affidavit shall contain facts, information, and circumstances upon which such person relies to establish probable cause for the issuance of the warrant and such affidavit may be supplemented by oral statements under oath for the establishment of probable cause. The person issuing the warrant shall retain the affidavit and shall make notes, personally, of the substance, or arrange for a transcript, of any oral statements under oath supplementing the affidavit. The person issuing the search warrant shall deliver the affidavit and the notes or transcript within three days after the issuance of the warrant to the court to which the warrant is returnable. Upon the return of said warrant, the affidavit and the notes or transcript shall be attached to it and shall be filed therewith, and they shall be a public document when the warrant is returned, unless otherwise ordered by a court of record.

The affidavit in support of the application for a search warrant shall be in substantially the following form:

The State of New Hampshire

(County), ss. (Name) Court

....., 19 ..

I, (name of applicant) being duly sworn, depose and say:

1. I am (describe position, assignment, office, etc.).
2. I have information, based upon (describe source, facts indicating reliability of source and nature of information; if based on personal knowledge, so state).
3. Based upon the foregoing reliable information (and upon my personal knowledge) there is probable cause to believe that the property hereinafter described (has been stolen, etc.) and may be found (in the possession of A.B. or any other person) at premises (identify).
4. The property for which I seek the issuance of a search warrant is the following: (here describe the property as particularly as possible).

Wherefore, I request that the court issue a warrant and order of seizure, authorizing the search of (identify premises and the persons to be searched) and directing that if such property or evidence or any part thereof be found that it be seized and brought before the court; together with such other and further relief that the court may deem proper.

.....
Name.

Then personally appeared the above named and made oath that the foregoing affidavit by him subscribed is true.

Before me this day of, 19 ..

.....
Justice of the Court

595-A:5 Receipt, Inventory, and Return. The officer taking property under the warrant shall give to the person from whom, or from whose premises, the property was taken a copy of the warrant and a receipt for the property taken, or shall leave the copy and receipt at the place from which the property was taken. The return shall be made promptly and shall be accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the applicant for the warrant and the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one creditable person other than the applicant for the warrant or the person from whose possession or premises the property was taken, and shall be verified by the officer. The justice of a court of record shall upon request deliver a copy of the inventory to the person from whom or from whose premises the property was taken and to the applicant for the warrant. The justice of a court of record shall attach to the warrant a copy of the return, inventory and all other papers in connection therewith and shall file them with the clerk of the

court of record having jurisdiction. The return shall be in substantially the following form:

Return

I received the attached search warrant on _____, 19____, and have executed it as follows:

On _____, 19____ at _____ o'clock _____ M, I searched (the person) (the premises) described in the warrant and I left a copy of the warrant with (name of person searched or owner) at (the place of search) together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant: _____

This inventory was made in the presence of _____ and _____

I swear that this inventory is a true and detailed account of all the property taken by me on the warrant

Subscribed and sworn to and returned before me this _____ day of _____, 19____.

Justice of the Peace

595-A:6 Seizure, Custody and Disposition of Articles; Exceptions. If an officer in the execution of a search warrant finds property or articles therein described, he shall seize and safely keep them, under the direction of the court or justice, so long as necessary to permit them to be produced or used as evidence in any trial. As soon as may be, thereafter, all property seized under section 1 (a) shall be restored to the owners thereof; and all other property seized in execution of a search warrant shall be disposed of as the court or justice orders and may be forfeited and either sold or destroyed as the public interest requires in the discretion of the court or justice, and accordance with due process of law.

Any property, the forfeiture and disposition of which is specified in any general or special law, shall be disposed of in accordance therewith.

595-A:7 Time for Return of Warrant. Every officer to whom a warrant to search is issued shall return the same to the court by which it was issued as soon as it has been served and in any event not later than seven days from the date of issuance thereof, with a return of his doings thereon; provided, however, that a justice of the superior court may at any time receive affidavits and issue search warrants returnable in seven days before a district or municipal court named in such warrant and in that event the officer shall make his return to such court as directed.

595-A:8 Assistants. An officer executing a search warrant may take with him suitable assistants and suffer no others to be with him.

595-A:9 Scope and Definition. This chapter does not modify any act inconsistent with it, regulating search, seizure and the issuance and execution of search warrants in circumstances for which special provision is made. The term "property" is used in this chapter to denote everything which is the subject of ownership.

317:2 Repeal. RSA 595, relative to search warrants, is hereby repealed.

317:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 318.

AN ACT ESTABLISHING A HIGHER EDUCATIONAL BUILDING CORPORATION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

318:1 New Chapter. Amend RSA by inserting after RSA 195-C (supp) as inserted by 1967, 154:1 the following new chapter:

Chapter 195-D

Higher Educational Building Corporation

195-D:1 Declaration of Policy. It is declared to be the policy of the state that for the benefit of the people of the state, the increase of their commerce, welfare, and prosperity and the improvement of their health and living conditions, it is essential that this and future generations of youths be given the fullest opportunity to learn and develop their intellectual and mental capacities; that it is essential that educational institutions within the state be provided with appropriate additional means to assist such youths in achieving the required levels of learning and development of their intellectual and mental capacities; that it is essential that powers be conferred on the New Hampshire Higher Educational Building Corporation as will assure the successful completion of projects to be initiated by the corporation so as to accomplish the purposes of this chapter all to the public benefit and good. It is further declared that the exercise by the corporation of the powers conferred on the corporation under this chapter will constitute the performance of an essential governmental function.

195-D:2 Citation. This chapter may be referred to as and cited as the New Hampshire Higher Educational Building Corporation law.

195-D:3 Definitions. As used in this chapter, the following words and terms have the following meanings, unless the context indicates another or different meaning or intent:

I. "Corporation" means the New Hampshire Higher Educational Building Corporation created and established as a corporation and constituted and established as a public body corporate and agency of the state

under section 4 of this chapter, or any board, body, commission, department, or officer succeeding to the principal functions thereof or to whom the powers conferred upon the corporation by this chapter shall be given by law.

II. "Project" means the building and equipping of any structure designed for use as a dormitory, dining facility, administration facility, library, classroom building, research facility or faculty office facility, or the building and equipping of any multipurpose structure designed to combine two or more of the functions performed by the types of structures enumerated above. This definition does not include such items as books, fuel, supplies, or other items which are customarily considered as a current operating charge.

III. "Cost" as applied to a project or any portion thereof financed under the provisions of this chapter embraces the cost of construction and acquisition of all lands, structures, property, real or personal, rights, rights of way, franchises, easements, and interests acquired by the corporation for a project; the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved; the cost of all machinery and equipment, financing charges, interest prior to and during construction and, if judged advisable by the corporation, for a period after completion of such construction; provisions for working capital; reserves for principal and interest and for extensions, enlargements, additions and improvements; cost of engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and of revenues; administrative expenses; expenses necessary or incident to determining the feasibility or practicability of constructing the project; and such other expenses necessary or incident to the construction and acquisition of the project, the financing of such construction, and acquisition and the placing of the project in operation.

IV. "Bonds" or the words "revenue bonds" means revenue bonds of the corporation issued under the provisions of this chapter, including revenue refunding bonds, notwithstanding that the same may be secured by the mortgage or the full faith and credit of a participating institution for post-secondary education or higher education or any other lawfully pledged security of a participating institution for post-secondary or higher education.

V. "Institution for post-secondary education or higher education" means an educational institution situate within the state which by virtue of law or charter is a public or other nonprofit educational institution empowered to provide a program of education beyond the high school level and awards a bachelor's degree or provides a program of not less than two years' duration which is accepted for full credit toward a bachelor's degree. Said definition shall not mean or include the university of New Hampshire, Plymouth state college or Keene state college.

VI. "Participating institution for higher education" means an institution for post-secondary education or higher education which, pursuant to the provisions of this chapter undertakes the financing and construction or acquisition of a project or undertakes the refunding or refinancing of

bonds or of a mortgage or of advances as provided in and permitted by this chapter.

195-D:4 New Hampshire Higher Educational Building Corporation Constituted Public Body Corporate and Agency of the State.

I. The New Hampshire Higher Educational Building Corporation, is created as a corporation and is constituted and established as a public body corporate and agency of the state for the exercising of the powers conferred on the corporation by this chapter.

II. All of the powers of the corporation are vested in a board of directors of five members appointed by the governor and council each in the first instance for terms of one, two, three, four, and five years ending on June thirtieth of each year. Successors to the members of the board of directors shall be appointed by the governor and council as follows: prior to the month of June in each year, commencing in the year 1970, the governor and council shall appoint a member to serve on the board of directors for a term of five years to succeed the member whose term will expire in June of such year. If a vacancy occurs in the membership of the board of directors, the governor and council shall appoint a new member for the unexpired term. Any member of the board of directors is eligible for re-appointment.

III. Each member of the board of directors, before entering upon his duties, shall take an oath to administer the duties of his office faithfully and impartially, and such oath shall be filed in the office of the secretary of state.

IV. The board of directors shall elect one of its members as chairman, another as vice chairman, and shall also elect a secretary, who need not be a member of the board. Three members of the board of directors constitute a quorum, and the vote of three members of the board of directors is necessary for any action taken by the corporation. A vacancy in the membership of the board of directors of the corporation does not impair the right of a quorum to exercise all the powers and perform the duties of the corporation.

V. Any action taken by the corporation under the provisions of this chapter may be authorized by resolution at any regular or special meeting, and each such resolution shall take effect immediately and need not be published or posted. However, any action taken that directly affects any institution by name is not effective as to that institution until notice of the action has been delivered to the institution, by mail or otherwise.

VI. The members of the board of directors and the officers of the corporation shall not receive any compensation for the performance of their duties under this chapter, but each such member or officer shall be paid his necessary expenses incurred while in the performance of such duties. These expenses are part of the expenses authorized by section 5 of this chapter, to be a charge as an administration cost.

195-D:5 General Grant of Powers. The corporation has the following powers, together with all powers incidental thereto or necessary for the performance of those hereinafter stated:

I. to have perpetual succession as a public body corporate and agency

of the state and to adopt by-laws for the regulation of its affairs and the conduct of its business;

II. to sue and be sued, plead and be impleaded;

III. to adopt an official seal and alter the same at pleasure;

IV. to maintain an office at such place or places as it may designate;

V. to determine the location and character of any project to be financed under the provisions of this chapter, and to construct, reconstruct, maintain, repair, operate, lease, as lessee or lessor, and to regulate the same; to enter into contracts for any or all of such purposes; to enter into contracts for the management and operation of a project; and to designate a participating institution for higher education as its agent to determine the location and character of a project undertaken by such participating institution for higher education under the provisions of this chapter as its agent to construct, reconstruct, maintain, repair, operate, lease, as lessee or lessor, and regulate the same; and as its agent to enter into contracts for any or all of such purposes, including contracts for the management and operation of such projects;

VI. to issue bonds, bond anticipation notes and other obligations of the corporation for any of its corporate purposes, and to fund or refund the same all as provided in this chapter;

VII. generally, to fix and revise from time to time and charge and collect rates, rents, fees and charges for the use of and for the services furnished or to be furnished by a project or any portion thereof;

VIII. to establish rules and regulations for the use of a project or any portion thereof and to designate a participating institution for higher education as its agent to establish rules and regulations for the use of a project undertaken by such participating institution for higher education;

IX. to employ consulting engineers, architects, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as are necessary in its judgment, and to fix their compensation;

X. to receive and accept from any public agency loans or grants for or in aid of the construction of a project or any portion thereof, and to receive and accept loans, grants, aid, or contributions from any source of either money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such loans, grants, aid, and contributions are made;

XI. to mortgage any project and the site thereof for the benefit of the holders of revenue bonds issued to finance the project;

XII. to make loans to any participating institution for higher education for the construction of a project in accordance with an agreement between the corporation and the participating institution for higher education. However, no such a loan shall exceed the total cost of construction and equipment of the project as determined by the participating institution for higher education and approved by the corporation;

XIII. to make loans to a participating institution for higher educa-

tion to refund outstanding bonds, mortgages, or advances issued, made or given by such participating institution for higher education for the construction of a project to the extent that such loan will enable such participating institution for higher education to undertake additional projects;

XIV. to charge to and equitably apportion between participating institutions for higher education its administrative costs and expenses incurred in the exercise of the powers and duties conferred by this chapter;

XV. to accept any gifts or grants or loans of funds or property or financial or other aid in any form from the federal government or any agency or instrumentality thereof or from the state or any agency or instrumentality thereof or from any other source, and to comply, subject to the provisions of this act, with the terms and conditions thereof; and

XVI. to do all things necessary or convenient to carry out the purposes of this chapter.

195-D:6 Acquisition of Property. The corporation is authorized and empowered to acquire by purchase, gift or devise, solely from funds provided under the authority of this chapter, such lands, structures, property, real or personal, rights, rights of way, franchises, easements and other interests in lands, including lands lying under water and riparian rights, which are located within or without the state as it judges necessary or convenient for the construction or operation of a project, upon such terms and at such prices as considered by it to be reasonable and can be agreed upon between it and the owner thereof, and to take title thereto in the name of the corporation.

195-D:7 Title to Projects. I. When the principal of and interest on revenue bonds of the corporation issued to finance the construction and acquisition of a particular project or projects at a participating institution for higher education, including any revenue refunding bonds issued to refund and refinance such revenue bonds, have been fully paid and retired or when adequate provision has been made to fully pay and retire the same, and all other conditions of the resolution or trust agreement authorizing and securing the same has been satisfied and the lien of such resolution or trust agreement has been released in accordance with the provisions thereof, the corporation shall promptly do such things and execute such deeds and conveyances as are necessary and required to convey title to such project or projects to such participating institution for higher education, free and clear of all liens and encumbrances, all to the extent that title to such project or projects is not, at the time, then vested in such participating institution for higher education.

195-D:8 Notes of the Corporation. The corporation has the power and is hereby authorized from time to time to issue its negotiable notes for any corporate purpose and renew from time to time any notes by the issuance of new notes, whether the notes to be renewed have or have not matured. The corporation may issue notes partly to renew notes or to discharge other obligations then outstanding and partly for any other purpose. The notes may be authorized, sold, executed and delivered in the same manner as bonds. Any resolution or resolutions authorizing notes of the corporation or any issue thereof may contain any provisions which the corporation is

authorized to include in any resolution or resolutions authorizing revenue bonds of the corporation or any issue thereof, and the corporation may include in any notes any terms, covenants or conditions which it is authorized to include in any bonds. All such notes shall be payable solely from the revenues of the corporation, subject only to any contractual rights of the holders of any of its notes or other obligations then outstanding.

195-D:9 Bonds of the Corporation.

I. The corporation is authorized to issue its negotiable revenue bonds from time to time for the purpose of financing projects permitted hereby or any portion thereof.

II. In anticipation of the sale of such revenue bonds the corporation may issue negotiable bond anticipation notes and may renew the same from time to time, but the maximum maturity of any such note, including renewals thereof, shall not exceed five years from the date of issue of the original note. Such notes shall be paid from any revenues of the corporation available therefor and not otherwise pledged, or from the proceeds of sale of the revenue bonds of the corporation in anticipation of which they were issued. The notes shall be issued in the same manner as the revenue bonds. Such notes and the resolution or resolutions authorizing the same may contain any provisions, conditions, or limitations which a bond resolution of the corporation may contain.

III. The revenue bonds and notes of every issue shall be payable solely out of revenues of the corporation, subject only to any agreements with the holders of particular revenue bonds or notes pledging any particular revenues. Notwithstanding that revenue bonds and notes may be payable from a special fund, if they are otherwise of such form and character as to be negotiable instruments under the terms of the negotiable instruments law of the state the revenue bonds and notes shall be and are hereby made negotiable instruments within the meaning of and for all purposes of the negotiable instruments law, subject only to the provisions of the revenue bonds and notes for registration.

IV. The revenue bonds may be issued as serial bonds or as term bonds, or the corporation, in its discretion, may issue bonds of both types. The revenue bonds shall be authorized by resolution of the corporation and shall bear such date or dates, mature at such time or times, not exceeding forty years from their respective dates, bear interest at such rate or rates, shall be payable at such time or times, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America at such place or places, and be subject to such terms of redemption, as such resolution or resolutions provide. In the event that term bonds are issued, the resolution authorizing the same may make such provisions for the establishment and management of adequate sinking funds for the payment thereof, as the corporation judges necessary. The revenue bonds or notes may be sold at public or private sale for such price or prices as the corporation determines. Pending preparation of the definitive bonds, the corporation may issue interim receipts or certificates which shall be exchanged for such definitive bonds.

V. Any resolution or resolutions authorizing any revenue bonds or any issue of revenue bonds may contain provisions, which shall be a part of the contract with the holders of the revenue bonds to be authorized, as to:

(a) pledging all or any part of the revenues of a project or any revenue producing contract or contracts made by the corporation with any individual, partnership, corporation, or association or other body, public or private, to secure the payment of the revenue bonds or of any particular issue of revenue bonds, subject to such agreements with bondholders as then exist;

(b) the rentals, fees, and other charges to be charged, and the amounts to be raised in each year thereby, and the use and disposition of the revenues;

(c) the setting aside of reserves or sinking funds, and the regulation and disposition thereof;

(d) limitations on the right of the corporation or its agent to restrict and regulate the use of the project;

(e) limitations on the purpose to which the proceeds of sale of any issue of revenue bonds then or thereafter to be issued may be applied and pledging such proceeds to secure the payment of the revenue bonds or any issue of the revenue bonds;

(f) limitations on the issuance of additional bonds; the terms upon which additional bonds may be issued and secured; the refunding of outstanding bonds;

(g) the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given;

(h) limitations on the amount of moneys derived from the project to be expended for operating, administrative or other expenses of the corporation;

(i) defining the acts or omissions to act which shall constitute a default in the duties of the corporation to holders of its obligations and providing the rights and remedies of such holders in the event of a default;

(j) the mortgaging of a project and the site thereof for the purpose of securing the bondholders;

(k) such other additional covenants, agreements, and provisions as are judged desirable or necessary by the corporation for the security of the holders of such bonds.

VI. Neither the members of the corporation nor any person executing the revenue bonds or notes shall be liable personally on the revenue bonds or notes or be subject to any personal liability or accountability by reason of the issuance thereof.

VII. The corporation has the power, out of any funds available therefor, to purchase its bonds or notes. The corporation may hold, pledge, cancel, or resell such bonds, subject to and in accordance with agreements with bondholders.

195-D:10 Trust Agreement. In the discretion of the corporation, any

revenue bonds issued under the provisions of this chapter may be secured by a trust agreement by and between the corporation and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the state. Such trust agreement or the resolution providing for the issuance of such revenue bonds may pledge or assign the revenues to be received or proceeds of any contract or contracts pledged and may convey or mortgage the project or any portion thereof. Such trust agreement or resolution providing for the issuance of such revenue bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as are reasonable and proper and not in violation of law, including particularly such provisions as have been specifically authorized in this chapter to be included in any resolution or resolution of the corporation authorizing revenue bonds thereof. It is lawful for any bank or trust company incorporated under the laws of the state which may act as depository of the proceeds of bonds or of revenues or other moneys to furnish such indemnifying bonds or to pledge such securities as may be required by the corporation. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee or trustees, and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust agreement or resolution may contain such other provisions as the corporation judges reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement or resolution may be treated as a part of the cost of the operation of a project.

195-D:11 Credit of State Not Pledged. Revenue bonds issued under the provisions of this chapter do not and shall not be construed to constitute a debt or liability of the state or of any municipality or political subdivision thereof or a pledge of the faith and credit of the state or of any such municipality or political subdivision. These revenue bonds are payable solely from the revenue funds provided by this chapter for their payment. All such revenue bonds shall contain on the face thereof a statement to the effect that neither the state nor the corporation are obligated to pay the same or the interest thereon except from revenues of the project or projects for which they are issued and that neither the faith and credit nor the taxing power of the state or of any municipality or political subdivision thereof is pledged to the payment of the principal of or the interest on such bonds. The issuance of revenue bonds under the provisions of this chapter shall not directly or indirectly or contingently obligate the state or any municipality or political subdivision thereof to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment.

195-D:12 Revenues. The corporation is authorized to fix, revise, charge, and collect rates, rents, fees and charges for the use of and for the services furnished or to be furnished by each project and to contract with any person, partnership, association or corporation, or other body, public or private, in respect thereof. Such rates, rents, fees and charges shall be fixed and adjusted in respect of the aggregate of rates, rents, fees and charges from such project so as to provide funds sufficient with other revenues, if any, (a) to pay the cost of maintaining, repairing, and operating the project and each and every portion thereof, to the extent that the corporation has not

otherwise adequately provided for the payment thereof, (b) to pay the principal of and the interest on outstanding revenue bonds of the corporation issued in respect of such project as the same become due and payable, and (c) to create and maintain reserves required or provided for in any resolution authorizing, or trust agreement securing, such revenue bonds of the corporation. Such rates, rents, fees, and charges shall not be subject to supervision or regulation by any department, commission, board, body, bureau or agency of the state other than the corporation. A sufficient amount of the revenues derived in respect of a project, except such part of such revenues as may be necessary to pay the cost of maintenance, repair, and operation and to provide reserves and for renewals, replacements, extensions, enlargements, and improvements as may be provided for in the resolution authorizing the issuance of any revenue bonds of the corporation or in the trust agreement securing the same, shall be set aside at such regular intervals as may be provided in such resolution or trust agreement in a sinking or other similar fund which is hereby pledged to, and charged with, the payment of the principal of and the interest on such revenue bonds as the same become due, and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the rates, rents, fees and charges, and other revenues or other moneys so pledged and thereafter received by the corporation are immediately subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge is valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the corporation, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the corporation. The use and disposition of moneys to the credit of such sinking or other similar fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust agreement. Except as otherwise provided in such resolution or such trust agreement, such sinking or other similar fund shall be a fund for all such revenue bonds issued to finance projects at a particular institution for higher education without distinction or priority of one over another. However, the corporation in any such resolution or trust agreement may provide that such sinking or other similar fund shall be the fund for a particular project at an institution for higher education and for the revenue bonds issued to finance a particular project and may, additionally, permit and provide for the issuance of revenue bonds having a subordinate lien in respect of the security herein authorized to other revenue bonds of the corporation and, in such case, the corporation may create separate sinking or other similar funds in respect of such subordinate lien bonds.

195-D:13 Trust Funds. All moneys received pursuant to the authority of this chapter whether as proceeds from the sale of bonds or as revenues, are trust funds to be held and applied solely as provided in this chapter. Any officer with whom, or any bank or trust company with which, such moneys are deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes of this chapter, subject to such regulations as this chapter and the resolution authorizing the bonds of any issue or the trust agreement securing such bonds provide.

195-D:14 Remedies. Any holder of revenue bonds issued under the provisions of this chapter or of any of the coupons appertaining thereto, and the trustee or trustees under any trust agreement, except to the extent the rights herein given may be restricted by any such resolution authorizing the issuance of, or any such trust agreement securing, such bonds, may, either at law or in equity, by suit, action, mandamus, or other proceedings, protect and enforce any and all rights under the laws of the state or granted under this chapter or under such resolution or trust agreement, and may enforce and compel the performance of all duties required by this chapter or by such resolution or trust agreement to be performed by the corporation or by any officer, employee, or agent thereof, including the fixing, charging, and collecting of the rates, rents, fees and charges authorized in this chapter and required by the provisions of such resolution or trust agreement to be fixed, established, and collected.

195-D:15 Exemption from Taxation. The exercise of the powers granted by this chapter will be in all respects for the benefit of the people of the state, for the increase of their commerce, welfare and prosperity, and for the improvement of their health and living conditions, and will constitute the performance of an essential governmental function, and neither the corporation nor its agent shall or may be required to pay any taxes or assessments upon or in respect of a project or any property acquired or used by the corporation or its agent under the provisions of this chapter, or upon the income therefrom, and any bonds issued under the provisions of this chapter, their transfer and the income therefrom including any profit made on the sale thereof, are at all times free from taxation of every kind by the state and by the municipalities and all other political subdivisions of the state.

195-D:16 Revenue Refunding Bonds.

I. The corporation is authorized to provide for the issuance of its revenue bonds for the purpose of refunding any revenue bonds of the corporation then outstanding, including the payment of any redemption premium thereon and any interest accrued or to accrue to the earliest or subsequent date of redemption, purchase or maturity of such revenue bonds, and, if judged advisable by the corporation, for the additional purpose of paying all or any part of the cost of constructing and acquiring additions, improvements, extensions, or enlargements of a project or any portion thereof.

II. The proceeds of any such revenue bonds issued for the purpose of refunding outstanding revenue bonds may, in the discretion of the corporation, be applied to the purchase or retirement at maturity or redemption of such outstanding revenue bonds either on their earliest or any subsequent redemption date, and may, pending such application, be placed in escrow to be applied to such purchase or retirement at maturity or redemption on such date as may be determined by the corporation.

III. Any such escrowed proceeds, pending such use, may be invested and reinvested in obligations of or guaranteed by the United States of America, or in certificates of deposit or time deposits secured by obligations of or guaranteed by the United States of America, maturing at such time or times that are appropriate to assure the prompt payment, as to principal,

interest, and redemption premium, if any, of the outstanding revenue bonds to be so refunded. The interest, income, and profits, if any, earned or realized on any such investment may also be applied to the payment of the outstanding revenue bonds to be so refunded. After the terms of the escrow have been fully satisfied and carried out, any balance of such proceeds and interest, income and profits, if any, earned or realized on the investments thereof may be returned to the corporation for use by it in any lawful manner.

IV. The portion of the proceeds of any such revenue bonds issued for the additional purpose of paying all or any part of the cost of constructing and acquiring additions, improvements, extensions or enlargements of a project may be invested and reinvested in obligations of or guaranteed by the United States of America, or in certificates of deposit or time deposits secured by obligations of or guaranteed by the United States of America, maturing not later than the time or times when such proceeds will be needed for the purpose of paying all or any part of such cost. The interest, income and profits, if any, earned or realized on such investment may be applied to the payment of all or any part of such cost or may be used by the corporation in any lawful manner.

V. All such revenue bonds shall be issued and secured and are subject to the provisions of this chapter in the same manner and to the same extent as any other revenue bonds issued pursuant to this chapter.

195-D:17 Bonds Eligible for Investment. Bonds issued by the corporation under the provisions of this chapter are securities in which all public officers and public bodies of the state and its political subdivisions, all insurance companies, trust companies, banking associations, credit unions, building and loan associations, investment companies, executors, administrators, trustees and other fiduciaries, pension, profit-sharing, and retirement funds may properly invest funds, including capital in their control or belonging to them. Such bonds are securities which may properly be deposited with and received by any state or municipal officer or any agency or political subdivision of the state for any purpose for which the deposit of bonds or other obligations of the state is now or may be authorized by law after the effective date of this chapter.

195-D:18 Annual Report and Audit. Within four months after the close of each fiscal year of the corporation, it shall make a report to the governor and council of its activities for such preceding fiscal year and such report shall set forth a complete operating and financial statement covering the corporation's operations during the preceding fiscal year. The corporation shall cause an audit of its books and accounts to be made at least once each fiscal year by certified public accountants and the cost thereof shall be paid by the corporation from funds available to it pursuant to this chapter.

195-D:19 Source of Payment of Expenses. All expenses incurred in carrying out the provisions of this chapter shall be payable solely from funds provided under the authority of this chapter and no liability or obligation shall be incurred by the corporation under this chapter, beyond the extent to which moneys shall have been provided under the provisions of this chapter.

195-D:20 State Not Liable. The state is not liable for the payment of the principal of or interest on any bonds of the corporation, or for the performance of any pledge, mortgage, obligation or agreement of any kind whatsoever which may be undertaken by the corporation, and none of the bonds of the corporation nor any of its agreements or obligations shall be construed to constitute an indebtedness of the state within the meaning of any constitutional or statutory provision whatsoever, nor shall the issuance of bonds under the provisions of this chapter directly or indirectly or contingently obligate the state or any municipality or political subdivision thereof to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment.

195-D:21 Procedure Before Issuance of Bonds.

I. Notwithstanding any other provision of this chapter, the corporation is not empowered to undertake any project authorized by this chapter unless, prior to the issuance of any bonds hereunder, the governor, or his designee, has found, after a hearing thereon, that:

(a) The construction and acquisition of such project will enable or assist an institution for post-secondary or higher education to fulfill its obligations in providing education to the youths of this state; and

(b) Such project will be leased to, or owned by, a financially responsible institution for post-secondary or higher education within the state; and

(c) Adequate provision has been, or will be, made for the payment of the cost of the construction and acquisition of such project and that under no circumstances will the state be obligated directly or indirectly, for the payment of the cost of construction and acquisition of such project, or for the payment of the principal of, or interest on, any obligations issued to finance such construction and acquisition; and

(d) Adequate provision has been, or will be, made in any lease of the project for the payment of all costs of operation, maintenance and upkeep of such project by the lessee, sublessee or occupant so that under no circumstances will the state be obligated, directly or indirectly, for the payment of such costs.

195-D:22 Agreement of the State. The state does hereby pledge to and agree with the holders of any bonds issued under this chapter, and with those parties who may enter into contracts with the corporation pursuant to the provisions of this chapter, that the state will not limit or alter the rights hereby vested in the corporation until such obligations, together with the interest thereon, are fully met and discharged and such contracts are fully performed on the part of the corporation. However, nothing in this chapter precludes such limitation or alteration if and when adequate provision is made by law for the protection of the holders of such bonds of the corporation or those entering into such contracts with the corporation. The corporation is authorized to include this pledge and undertaking for the state in such bonds or contracts.

195-D:23 Act Cumulative; No Notice Required. Neither this chapter nor anything herein contained is or shall be construed as a restriction or limitation upon any powers which the New Hampshire Higher Educational

Building Corporation might otherwise have under any laws of this state, and this chapter is cumulative of any such powers. This chapter does and shall be construed to provide a complete, additional, and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws. However, the issuance of revenue bonds and revenue refunding bonds under the provisions of this chapter need not comply with the requirements of any other state law applicable to the issuance of bonds, and contracts for the construction and acquisition of any project undertaken pursuant to this chapter need not comply with the provisions of any other state law applicable to contracts for the construction and acquisition of state owned property. No proceedings, notice or approval shall be required for the issuance for any bonds or any instrument as security therefor, except as is provided in this chapter.

195-D:24 Act Liberally Construed. This chapter, being necessary for the welfare of the state and its inhabitants, shall be liberally construed so as to effect its purposes.

318:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 319.

AN ACT RELATIVE TO ELECTIONS IN COOPERATIVE SCHOOL DISTRICTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

319:1 Additional Polling Places. Amend RSA 195 by inserting after section 13 the following new section: **195:13-a Additional Polling Places.** The board of a cooperative school district may authorize the establishment of additional polling places within the building wherein the annual meeting is held. Said additional polling places shall be equipped and laid out in the same manner as the central polling place, and shall be supervised by the election officials of the several towns as provided in RSA 197:1-d.

319:2 Effective Date. This act shall take effect upon passage.

[Approved June 30, 1969.]

[Effective date June 30, 1969.]

CHAPTER 320.

AN ACT ENACTING THE UNIFORM MODEL CHOICE OF FORUM ACT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

320:1 New Chapter. Amend RSA by inserting after chapter 508 the following new chapter:

Chapter 508-A
Uniform Model Choice of Forum Act

508-A:1 Definitions. As used in this chapter the word "state" shall mean any foreign nation, and any state, district, commonwealth, territory or insular possession of the United States.

508-A:2 Action in This State by Agreement.

I. If the parties have agreed in writing that an action on a controversy may be brought in this state and the agreement provides the only basis for the exercise of jurisdiction, a court of this state will entertain the action if:

(a) the court has power under the law of this state to entertain the action;

(b) this state is a reasonably convenient place for the trial of the action;

(c) the agreement as to the place of the action was not obtained by misrepresentation, duress, the abuse of economic power, or other unconscionable means; and

(d) the defendant, if within the state, was served as required by law of this state in the case of persons within the state or, if without the state, was served either personally or by registered mail directed to his last known address.

II. This section does not apply to the appointment of an agent for the service of process pursuant to statute or court orders.

508-A:3 Action in Another Place by Agreement.

I. If the parties have agreed in writing that an action on a controversy shall be brought only in another state and it is brought in a court of this state, the court will dismiss or stay the action, as appropriate, unless:

(a) the court is required by statute to entertain the action;

(b) the plaintiff cannot secure effective relief in the other state, for reasons other than delay in bringing the action;

(c) the other state would be a substantially less convenient place for the trial of the action than this state;

(d) the agreement as to the place of the action was obtained by misrepresentation, duress, the abuse of economic power, or other unconscionable means; or

(e) it would for some other reason be unfair or unreasonable to enforce the agreement.

508-A:4 Uniformity of Interpretation. The provisions of this chapter shall be so construed as to effectuate the general purpose to make uniform the law of those states which enact it.

508-A:5 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

320:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 321.

AN ACT RELATIVE TO NOTICE OF PROCESS SERVED ON THE INSURANCE COMMISSIONER.

Be it Enacted by the Senate and House of Representatives in General Court convened:

321:1 Forwarding Requirement Modified. Amend RSA 400:18 by inserting in line six after the word "following" the word (business) so that said section as amended shall read as follows: **400:18 Notice of Process.** Whenever legal process or notice of a judgment against a foreign insurance company is served upon the commissioner he shall make memoranda of the fact in a book provided for the purpose and upon the paper served, and shall forthwith notify the company thereof by letter addressed to it at its principal office in this country; and on the following business day he shall forward the paper served upon him to the company.

321:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 322.

AN ACT RELATIVE TO LIFE INSURANCE CONTRACTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

322:1 Special Benefits. Amend RSA 408:9 by striking out in lines five, six, seven and eight the words "except, at the option of the company, for provisions granting or increasing benefits in the event of total and permanent disability and provisions which grant additional insurance specifically against death by accident" so that said section as amended shall read as follows: **408:9 Policy Contract.** Every policy of insurance issued or delivered within this state by any life insurance corporation doing business within the state, together with the application therefor, a copy of which application shall be endorsed upon or attached to the policy and made a part thereof, shall constitute the entire contract between the parties.

322:2 Exception. Amend RSA 408:10 as amended by 1959, 220:1 by striking out said section and inserting in place thereof the following: **408:10 Incontestability.** The policy shall be incontestable after it shall have been in force during the lifetime of the insured for two years from its date, ex-

cept (a) for non-payment of premiums, (b) for violations of the policy relating to naval or military service in time of war, and (c) at the option of the company, for provisions granting or increasing benefits in the event of total and permanent disability and provisions which grant additional insurance specifically against death by accident; provided, however, that this section shall not apply to a policy issued by a life insurance corporation organized under the laws of this state if such policy is issued on the life of a person who is neither a resident nor a citizen of the United States of America, if such policy is delivered to the policyholder outside the continental limits of the United States of America and its territories, and if the laws and regulations of the nation in which the policy is delivered to the policyholder do not prohibit the delivery of a life insurance policy which contains no incontestability clause, so-called.

322:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 323.

AN ACT INCREASING THE GRACE PERIOD FOR CANCELLATION OF CONTINUOUS CERTIFICATES OF FINANCIAL RESPONSIBILITY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

323:1 Twenty-Day Period. Amend RSA 268:20, I, as amended by 1963, 261:1 by striking out in line nine the words "until ten" and inserting in place thereof the words (no less than twenty), and by striking out in lines twenty-one and twenty-eight the words "ten-day" and inserting in place thereof the words (twenty-day) so that said paragraph as amended shall read as follows: I. By filing with the director a certificate, as defined in section 1, of an insurance company or of a surety company to satisfy any judgment or judgments for damages resulting from an accident reported to the director under the provisions of section 23 of chapter 262, RSA. Financial responsibility in the future may be given by filing with the director a continuous certificate which shall be a certificate as defined in section 1, of an insurance company or of a surety company, to provide the amount of proof of financial responsibility required under the provisions of section 19 of this chapter. Every continuous certificate shall remain in effect no less than twenty days after written notice is received by the director that said continuous certificate shall be cancelled, except that a certificate subsequently filed shall, on its effective date, terminate a certificate previously filed with respect to any other motor vehicle designated in both certificates. Whenever another motor vehicle, trailer or semi-trailer replaces a motor vehicle, trailer or semi-trailer, described in a continuous certificate such continuous certificate covering such described motor vehicle, trailer or semi-trailer shall apply automatically to such other motor vehicle, trailer or semi-trailer registered by the insured as of the date of its registration

to the insured and for the period, if any, not exceeding ten days prior to such registration when said motor vehicle, trailer or semi-trailer is operated on temporary plates and for a period of fifteen days after the date of registration, unless said twenty-day period after written notice of cancellation is received by the director has theretofore expired. Such continuous certificate shall likewise apply automatically to any additional motor vehicle, trailer or semi-trailer acquired by the insured as of the date of its registration to the insured and for the period, if any, not exceeding ten days prior to such registration when such motor vehicle, trailer or semi-trailer is operated on temporary plates and for a period of fifteen days after the date of registration, unless said twenty-day period after written notice of cancellation is received by the director has theretofore expired; provided, however, that the insurance company or surety company insures all automobiles, trailers and semi-trailers owned by the named insured at such date of registration, and that such continuous certificate shall apply to such additional motor vehicle, trailer or semi-trailer only to the extent the insurance is applicable to all such previously owned motor vehicles, trailers and semi-trailers.

323:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 324.

AN ACT AMENDING THE PROVISIONS OF THE REGIONAL PLANNING COMMISSION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

324:1 Regional Planning Commission. Amend RSA 36 by inserting after section 41 (supp) the following new subdivision:

Regional Planning Commissions

36:45 Purposes. The purpose of this subdivision shall be to enable municipalities and counties to join in the formation of regional planning commissions whose duty it shall be to prepare a coordinated plan for the development of a region, taking into account present and future needs with a view toward encouraging the most appropriate use of land, such as for agriculture, forestry, industry, commerce, and housing; the facilitation of transportation and communication; the proper and economic location of public utilities and services; the development of adequate recreational areas; the promotion of good civic design; and the wise and efficient expenditure of public funds. The aforesaid plan shall be made in order to promote the health, safety, morals and general welfare of the region and its inhabitants. To promote these purposes the state office of planning and research of the department of resources and economic development shall delineate planning regions for the state so that each municipality of the state will fall within a delineated region and shall have the opportunity of forming or joining the regional planning commission for that planning region. In determining these regions the office shall consider such factors

as community of interest and homogeneity: existing metropolitan and regional planning agencies: patterns of communication and transportation: geographic features and natural boundaries: extent of urban development: relevancy of the region for provision of governmental services and functions and its use for administering state and federal programs: the existence of physical, social and economic problems of a regional character; and other related characteristics. To accommodate changing conditions, the office may adjust the boundaries of the planning regions.

36:46 Formation of Regional Planning Commissions.

I. If no regional planning commission exists in any specific planning region as delineated by the office of planning and research of the department of resources and economic development, then two or more municipalities in said planning region and having planning boards may, by ordinance or resolution adopted by the respective legislative bodies of said municipalities, form a regional planning commission.

II. If a regional planning commission already exists in any specific planning region as delineated by the office of planning and research of the department of resources and economic development, then any municipality in said planning region and having a planning board may, by ordinance or resolution adopted by the respective legislative body of said municipality, become a member of the regional planning commission. A regional planning commission may also include municipalities located in an adjacent state.

III. Each municipality which shall become a member of a regional planning commission shall be entitled to two representatives on said commission. A municipality with a population of over ten thousand but less than twenty-five thousand shall be entitled to have three representatives on said commission and a municipality with a population of over twenty-five thousand shall be entitled to have four representatives on said commission. Population as set forth in this section shall be deemed to be determined by the last federal census. Representatives to a regional planning commission shall be nominated by the planning board of each municipality from the residents thereof and shall be appointed by the municipal officers of each municipality. Representatives may be elected or appointed officials of the municipality or county. In any county or counties in which a regional planning commission has been formed, the county may, by resolution of its county commissioners, become a member of said regional planning commission and shall be entitled to appoint two representatives on said commission. The terms of office of members of a regional planning commission shall be for four years, but initial appointments shall be for two and four years. In municipalities entitled to three or more representatives, initial appointments shall be for two, three and four years. Vacancies shall be filled for the remainder of the unexpired term in the same manner as original appointments. Municipalities and counties may also appoint alternate representatives.

36:47 General Powers and Duties. A regional planning commission's powers shall be advisory, and shall generally pertain to the development of the region within its jurisdiction as a whole. Nothing in this subdivision shall be deemed to reduce or limit any of the powers, duties or obligations

of planning boards in individual municipalities. The area of jurisdiction of a regional planning commission shall include the areas of the respective municipalities within the delineated planning region. It shall be the duty of a regional planning commission to prepare a comprehensive master plan for the development of the region within its jurisdiction, including the commission's recommendations, among other things, for the use of land within the region; for the general location, extent, type of use, and character of highways, major streets, intersections, parking lots, railroads, aircraft landing areas, waterways and bridges, and other means of transportation, communication, and other purposes; for the development, extent, and general location of parks, playgrounds, shore front developments, parkways, and other public reservations and recreation areas; for the location, type, and character of public buildings, schools, community centers, and other public property; and for the improvement, redevelopment, rehabilitation, or conservation of residential, business, industrial and other areas; including the development of programs for the modernization and coordination of buildings, housing, zoning and subdivision regulations of municipalities and their enforcement on a coordinated and unified basis. A regional planning commission may authorize its employees or consultants to render assistance on local planning problems to any municipality or county which is not a member of said regional planning commission. The cost of such assistance shall be paid entirely by the municipality or county to which the service is rendered or partly by said municipality or county and partly by any gift, grant, or contribution which may be available for such work or by combination thereof. Said commission shall keep a strict account of the cost of such assistance and shall provide such municipality or county with an itemized statement.

36:48 Organization, Officers, and Bylaws. A regional planning commission shall elect annually from among its members a chairman, vice-chairman, and such other officers as it deems necessary. Meetings shall be held at the call of the chairman and at such other time as the commission may determine. A commission shall keep minutes of its proceedings and such minutes shall be filed in the office of the commission and shall be a public record. A commission may adopt such bylaws as it deems necessary to the conduct of its business.

36:49 Finances. A regional planning commission shall determine on a reasonable and equitable basis the proportion of its costs to be borne respectively by each municipality or county which is a member of said commission. A commission may accept and receive in furtherance of its functions, funds, grants, and services from the federal government or its agencies, from departments, agencies and instrumentalities of state, municipal or local government or from private and civic sources. Such funds may be used in conjunction with other funds from federal or state governments or from gifts, grants or contributions available for such work. Municipalities or counties are hereby authorized to appropriate funds to the use of a regional planning commission and to furnish a regional planning commission legal or other services which it may deem reasonable. Failure upon the part of any municipality or county to pay its proportionate annual share of the cost as determined by a regional planning commission shall constitute a

termination of such municipality's or county's vote in the commission's affairs until such annual share is paid. Municipalities or counties are hereby authorized to enter into contracts with a regional planning commission for the furnishing of funds or services in connection with the preparation of a comprehensive regional master plan and any special planning work to be done by a regional planning commission for any member municipality or county. Within the amounts appropriated to it or placed at its disposal by gift, grant, or contribution, a regional planning commission may engage employees, contract with professional consultants, rent offices, and obtain such other goods, or services as are necessary to it in the carrying out of its proper function. Any private gifts or funds when received shall be deemed a contribution to the regional planning commission for a public purpose within the meaning of any federal or state laws relative to tax exemptions.

36:50 Relationship To Local Planning Boards. A regional planning commission may assist the planning board of any municipality within the delineated region to carry out any regional plan or plans developed by said commission. A regional planning commission may also render assistance on local planning problems. A regional planning commission may make recommendations on the basis of its plans and studies to any planning board, to the legislative body of any city and to the selectmen of any town within its region, to the county commissioners of the county or counties in which said region is located and to any state or federal authorities. Upon completion of a comprehensive master plan for the region or any portion of said comprehensive master plan, a regional planning commission may file certified copies of said comprehensive master plan or portion thereof with the planning board of any member municipality. Such planning boards may adopt all or any part of such comprehensive master plan which pertains to the areas within its jurisdiction as its own master plan, subject to the requirements of sections 13, 14, and 15, chapter 36 of the Revised Statutes Annotated.

36:51 Assistance To Urban Renewal By Municipalities and Other Public Bodies. In cooperation with the member municipalities or their planning boards and/or housing authorities and with the federal and state governments, a regional planning commission is hereby authorized to aid and cooperate in the planning and undertaking of urban renewal projects.

36:52 Workable Programs. The regional planning commission in cooperation with the member municipalities or their planning boards and/or housing authorities is hereby authorized to prepare a workable program, which may include an official plan of action, as it exists from time to time for effectively dealing with the problem of urban slums and the blighted, deteriorated, or deteriorating areas within the community and for the establishment and preservation of a well planned community with well organized residential neighborhoods of decent homes and suitable living environment for adequate family life; for utilizing appropriate private and public resources to eliminate, and prevent the development or spread of slums and urban blight and deterioration, to encourage needed urban rehabilitation, to provide for the redevelopment of blighted, deteriorated, or slum areas, or to undertake such of the aforesaid activities or other feasible activities as may be suitably employed to achieve the objectives of such a program.

36:53 Additional Powers and Duties of Regional Planning Commissions. In order to implement any of the provisions of a regional plan, which has been adopted or is in preparation, a regional planning commission may, in addition to its powers and duties under section 47 undertake studies and make specific recommendations on economic, industrial and commercial development within the region and carry out, with the cooperation of municipalities and/or counties within the region, economic development programs for the full development, improvement, protection and preservation of the region's physical and human resources.

324:2 Repeal. RSA 36:37-44 (supp) as inserted by 1955, 272:1 relative to regional planning commissions are hereby repealed.

324:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 325.

AN ACT RELATIVE TO THE CONVEYANCE OF STANDING TREES AND TO QUIETING CERTAIN CLAIMS.

53266

Be it Enacted by the Senate and House of Representatives in General Court convened:

325:1 Stipulation of Time in Which Trees Must be Removed. Amend RSA 477 by inserting after section 35 the following new sections:

477:35-a Conditional Deed. After the effective date of this section, any conveyance of standing trees which includes therein a stipulation requiring that the trees be removed within a certain time, or by a certain date, shall render the deed conditional, and failure by the purchaser to remove said trees within the stipulated time shall result in the forfeiture of the purchaser's rights in the trees unless the deed specifically provides otherwise.

477:35-b Previous Conveyances. Any conveyance of standing trees, made prior to the effective date of this section, which includes therein a stipulation requiring that the trees be removed within a certain time or by a certain date, but which does not include therein any terms to the effect that the right to the trees shall revert to the grantor upon the passage of the stated time or stated date, shall be presumed as having intended to grant an absolute property interest in the trees to the purchaser even though the trees remain uncut beyond the stipulated time or date. Provided, however, that any such right to said trees on the part of the purchaser or his heirs or assigns must be asserted, and any litigation begun, within seven years of the effective date of this act or within seven years of the stipulated time of removal of the trees, whichever occurs last, otherwise all such rights to said trees shall revert to the grantor or his heirs or assigns. Nothing in this section shall be construed as precluding the introduction of any evidence in any action to rebut the presumption of the granting of ownership of trees as provided by this section.

325:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 326.

AN ACT INCREASING FEES FOR EXAMINATION AND REGISTRATION OF PHYSICIANS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

326:1 Fee Increased. Amend RSA 329:12 by striking out in line two the word "thirty" and inserting in place thereof the words (one hundred) so that said section as amended shall read as follows: **329:12 — Applicants.** The board shall admit to examination any applicant who pays a fee of one hundred dollars and submits satisfactory evidence in writing, verified by oath if required, that he is more than twenty-one years of age, of good moral character, is a citizen of the United States or a Canadian province in which like privilege is granted to citizens of the United States, has completed satisfactorily two years' work in college, or has a preliminary education considered and accepted by the board as fully equivalent, has studied the treatment of human ailments not less than four school years in a medical school maintained at that time a standard satisfactory to the board, and has graduated from such school and has completed an internship, approved by the board, of not less than twelve months. The provisions of this section may be suspended in whole or in part by order of the board on account of war or other threatened or existing national calamity.

326:2 Fee for Second Examination. Amend RSA 329:13 by striking out in line three the word "thirty" and inserting in place thereof the word (seventy-five) so that said section as amended shall read as follows: **329:13 Second Examination.** Applicants who fail to pass at their first examination may take one subsequent examination upon payment of an additional fee of seventy-five dollars.

326:3 License Fee. Amend RSA 329:16 by striking out in line six the word "fifty" and inserting in place thereof the words (one hundred) so that said section as amended shall read as follows: **329:16 License Without Examination.** The board may register and issue a permanent, temporary or restricted license, as it deems advisable for the best interest of the state, to any applicant who is legally qualified to treat human ailments or practice medicine in any state or country whose requirements the board deems equal to those of this state, upon payment of a fee of one hundred dollars.

326:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 327.

AN ACT RELATIVE TO SEPARATION AND DIVORCE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

327:1 Respondent's Motion. Amend RSA 458 by inserting after section 30 the following new section: **458:30-a Respondent's Motion for Divorce Decree.** A person against whom a legal separation has been decreed may, after a period of four years following the granting of the decree, file a motion to amend the decree to one of divorce and the court may then consider whether justice requires that such a change be made, provided that no such motion shall be granted unless the respondent has substantially complied with all orders made by the court pursuant to the decree of separation.

327:2 Effect of Section 1. The provisions of RSA 458:30-a, as inserted by section 1, shall apply to all persons who are separated pursuant to a decree of separation granted under RSA 458:26 on or before the effective date of this act, or who become separated pursuant to such a decree thereafter.

327:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 328.

AN ACT RELATIVE TO SUSPENSION OF OPERATOR'S LICENSE AFTER AN ACCIDENT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

328:1 Hearing Required in Certain Circumstances. Amend RSA 262:40 by inserting at the end thereof the following (Provided, however, that if the director revokes or suspends an operator's license under the provisions hereof, said operator, upon his written application to the director shall be granted a hearing by the director within ten days after the filing of said application.) so that said section as amended shall read as follows: **262:40 Suspension of License.** He may order the suspension of the license of any operator or chauffeur in his discretion, and without a hearing, and may order the license to be delivered to his office, whenever he has reason to believe that the holder thereof is physically or mentally an improper or incompetent person to operate motor vehicles, or is operating improperly or so as to endanger the public, or has appealed from a conviction of the violation of any provision of this title, or has made a material false statement in his application; and the license shall not be reissued unless, upon examination or investigation, or after hearing, the director determines that the person should again be permitted to operate. Provided, however, that if the director revokes or suspends an operator's license under the provisions hereof, said

operator, upon his written application to the director shall be granted a hearing by the director within ten days after the filing of said application.

328:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 329.

AN ACT RELATIVE TO ENFORCEMENT OF VISITATION RIGHTS IN CASE OF
DIVORCE OR SEPARATION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

329:1 Probation Office. Amend RSA 504:15, IV by inserting in line three after the word "illegitimacy" the words (or ordered to allow visitation rights in a judgment of divorce or legal separation) so that said paragraph as amended shall read as follows: IV. To receive under supervision, upon the request of any court, any person placed on probation, or ordered to pay any sums for support in a judgment of divorce, legal separation, non-support, or illegitimacy, or ordered to allow visitation rights in a judgment of divorce or legal separation.

329:2 Visitation Rights. Amend RSA 504 by inserting after section 15 the following new section: **504:15-a Visitation Rights.** Probation officers when so ordered by the court, shall take temporary custody of children for the purpose of enforcing visitation rights of parents under a judgment of divorce or legal separation.

329:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 330.

AN ACT PERMITTING THE SUPERIOR COURTS TO PLACE ORIGINAL FILES, PAPERS
AND RECORDS IN THE RECORDS AND ARCHIVES CENTER.

Be it Enacted by the Senate and House of Representatives in General Court convened:

330:1 Originals. Amend RSA 499 by inserting after section 4-a as inserted by 1967, 107:1 the following new section: **499:4-b Placement of Original Records.** If the superior court so determines, original files, papers and records in cases finally disposed of, may be sent to the records and archives center established under RSA 8-B.

330:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 331.

AN ACT DIRECTING THE GOVERNOR AND COUNCIL TO CONVEY THE GOVERNOR
GOODWIN MANSION TO STRAWBERRY BANKE, INC.

Be it Enacted by the Senate and House of Representatives in General Court convened:

331:1 Governor Goodwin Mansion. The governor and council are hereby authorized and directed to convey the Governor Goodwin Mansion in the city of Portsmouth to Strawberry Banke, Inc. Said conveyance shall be for the sum of one dollar, and shall convey to Strawberry Banke, Inc. its successors and assigns a fee simple determinable interest subject to a possibility of reverter in the state of New Hampshire. The deed given to Strawberry Banke, Inc. shall state that title to the Governor Goodwin Mansion shall revert to the state of New Hampshire in the event that the said mansion is used for any purpose other than as an historic landmark and museum.

331:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 332.

AN ACT RELATIVE TO THE IMPROVEMENT OF STREETS IN MUNICIPALITIES
WHEREIN ZONING HAS BEEN ADOPTED.

Be it Enacted by the Senate and House of Representatives in General Court convened:

332:1 Discontinued Highways. Amend RSA 36:25 by inserting in line thirteen after the words "by the board" the following (For the purposes of this section, the word "street" shall not mean or include a discontinued highway.) so that said section as amended shall read as follows: **36:25 Improvements in Unapproved Streets.** A municipality which has established and recorded an official map, as provided in section 17 of this chapter, or has conferred upon a planning board platting jurisdiction in accordance with section 19 of this chapter shall not thereafter accept, lay out, open, improve, grade, pave, or light any street or lay or authorize the laying of water mains, sewers, connections, or other facilities or utilities in any street, within any portion of the municipality unless such street (a) shall have been accepted or opened as, or shall otherwise have received the legal status of a public street prior to the conferring of platting jurisdiction upon the

planning board, or unless such street (b) corresponds in its location and lines with a street shown on the official map or with a street shown on a subdivision plat approved by the planning board or with a street on a street plat made by and adopted by the board. For the purposes of this section, the word "street" shall not mean or include a discontinued highway. Council may, however, accept, locate and construct any street not shown on or not corresponding with a street on the official map or on an approved subdivision plat or an approved street plat, provided the ordinance or other measure for the accepting, locating, and construction of such street be first submitted to the planning board for its approval and, if approved by the board, be approved by a majority vote of the entire membership of council or, if disapproved by the planning board, be approved by not less than two thirds of the entire membership of council in case of a city or by majority vote of the legal voters present and voting at a regular or special town or district meeting in the case of a town or district. A street approved as provided in this section shall thereupon have the status of an approved street as fully as though it had been originally shown on the official map or on a subdivision plat approved by the planning board, or had been originally platted by the planning board.

332:2 Discontinued Class IV, V and VI Highways. Amend RSA 238:2 by inserting at the end thereof the following (Such a discontinued highway shall not have the status of a publicly approved street) so that said section as amended shall read as follows: **238:2 Subject to Gates and Bars.** Any class IV, V, or VI highway, or any portion thereof, may be discontinued as an open highway and made subject to gates and bars, by vote of the town. Such a discontinued highway shall not have the status of a publicly approved street.

332:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 333.

AN ACT RELATIVE TO DONATION OF BLOOD BY JAIL INMATES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

333:1 Jail Inmates. Amend RSA 607:51-a, as inserted by Laws of 1969, 95:1, by striking out in line two the word "or" and by inserting in line two after the word "correction" the following (or any jail) so that said section as amended shall read as follows: **607:51-a Reduction of Minimum Term for Donation of Blood.** Any prisoner who is confined to the state prison, any house of correction, or any jail and who is serving his minimum sentence shall be granted a reduction of five days therefrom for each donation of his blood to the American Red Cross, to blood banks of non-profit hospitals and to similar organizations or institutions, or to members of the

armed forces of the United States or to residents of the United States in times of disaster or to recognized public agencies engaged in medical or scientific research; such blood shall not be sold nor shall it be devoted to any commercial use. The reduction of sentence herein provided for shall not exceed ten days in any twelve-month period, and shall be in addition to any other reductions of sentence.

333:2 Effective Date. This act shall take effect upon its passage.

[Approved June 30, 1969.]

[Effective date June 30, 1969.]

CHAPTER 334.

AN ACT RELATIVE TO REIMBURSEMENT OF EXPENSES TO THE LEGISLATIVE STUDY COMMITTEE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

334:1 Expenses and Mileage. Amend RSA 17-B:4 (supp) as inserted by 1969, 195:1 by striking out said section and inserting in place thereof the following: **17-B:4 Compensation.** The members of the committee shall serve without compensation, but they shall be entitled to legislative mileage while attending meetings of the committee in Concord and shall be entitled to the same mileage as state employees when traveling on business of the committee elsewhere in the state, except members shall not be entitled to said mileage when the general court is in session.

334:2 Effective Date. This act shall take effect upon its passage.

[Approved June 30, 1969.]

[Effective date June 30, 1969.]

CHAPTER 335.

AN ACT RELATIVE TO PERMITS TO MOVE CERTAIN MOTOR VEHICLES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

335:1 Thirty-six Hour Permits. Amend RSA 260 by inserting after section 21 the following new section: **260:21-a Thirty-Six Hour Permits.** Any resident of this state who intends to purchase a motor vehicle, trailer, semi-trailer, or tractor from another person who is not a dealer may apply to the motor vehicle division or its substation nearest his or her residence for a permit to operate said motor vehicle, trailer, semi-trailer, or tractor on the highways of the state in an unregistered condition. Said resident must appear in person at the motor vehicle division or substation to obtain such permit and shall sign under penalty of perjury a statement that the vehicle meets all New Hampshire inspection requirements before said permit may be issued. Said permit shall be valid for thirty-six hours from the time it

is issued. Application blanks and permits in the form prescribed by the director of motor vehicles shall be designed, printed and supplied to the substations by the division of motor vehicles of the department of safety. The fee for the issuance of a permit shall be two dollars. It shall be unlawful for any person to operate a motor vehicle, trailer, semi-trailer, or tractor on the highways of the state under a permit issued pursuant to this section unless said person has in his possession a valid bill of sale for the motor vehicle, trailer, semi-trailer, or tractor he is operating dated the same day or one day after the permit is issued.

335:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 336.

AN ACT REQUIRING SCHOOL DISTRICTS TO CONDUCT ELECTION OF THEIR OFFICERS BY NON-PARTISAN BALLOTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

336:1 Non-Partisan Ballot System. Amend RSA 59 by inserting after section 77 the following new section: **59:77-a School District.** Each school district in the state, except a district having a special statute relative to election of its district officers, shall elect its officers by means of the non-partisan ballot system, as provided in RSA 59:79 to 86, inclusive.

336:2 Village Districts. Amend RSA 59:77 by striking out said section and inserting in place thereof the following: **59:77 Village District to Adopt.** Any village district organized under the provisions of RSA 52 or by special charter from the legislature, having general powers, which shall have voted to elect its district officers by an official ballot, may adopt the non-partisan ballot system as provided in RSA 59:73, 79-86 for such election of such officers under an article in the warrant for any annual or special meeting of said district.

336:3 Effective Date. This act shall take effect September 1, 1969, provided however that nothing herein shall be deemed to affect the election or terms of office of school district officers in office at the time this act takes effect.

[Approved June 30, 1969.]

[Effective date September 1, 1969, provided however that nothing herein shall be deemed to affect the election or terms of office of school district officers in office at the time this act takes effect.]

CHAPTER 337.

AN ACT RELATIVE TO THE WATER SUPPLY AND POLLUTION CONTROL COMMISSION
AND ENFORCEMENT OF CLASSIFICATION OF WATERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

337:1 Water Supply and Pollution Control Commission. Amend RSA 149:2 IV (supp) as inserted by 1967, 147:3 by striking out said paragraph and inserting in place thereof the following: IV. The executive director, subject to the approval of the commission, shall appoint a deputy director and chief engineer, a chief aquatic biologist, and a director of municipal services and assistance. The foregoing personnel shall hold office during good behavior and may be removed only for cause and after being given a copy of the charges against them and an opportunity to be heard publicly on such charges. Said personnel shall perform such duties as may be assigned to them by the executive director, and in the case of the deputy executive director and chief engineer, he shall during the absence of the executive director perform all the duties and exercise all the powers of that office, except as herein otherwise provided. The chief aquatic biologist, during the absence of or at the discretion of the executive director, shall perform all of the duties and exercise all of the powers conferred upon the executive director as a member of pesticides control board under the provisions of RSA 149-D.

337:2 Interstate Waters. Amend RSA 149:3 (supp) as amended by 1967, 147 by inserting after paragraph IV the following new paragraphs:

IV-a. Notwithstanding anything contained in this chapter to the contrary, the commission in submitting classifications relating to interstate waters to the New England Interstate Water Pollution Control Commission for review and approval, as provided for under the terms of Article V of the compact whereby the interstate commission was created by RSA 488, shall submit such classifications in accordance with the standards of water quality as currently adopted by said interstate water pollution control commission provided, however, that the standards for any classification thus submitted for review and approval shall not be less than, nor exceed the standards of the classification duly adopted by the General Court as provided for in RSA 149:6 or 7.

IV-b. Tidal waters utilized for swimming purposes shall satisfy all conditions contained in paragraph II above. Those tidal waters used for growing or taking of shellfish for human consumption shall, in addition to the foregoing requirements, not contain a coliform bacteria count greater than seventy on an MPN basis.

337:3 Treatment Provisions. Amend RSA 149:3 (supp) as amended by 1967, 147 by inserting after paragraph V the following new paragraph: V-a. In prescribing minimum treatment provisions for thermal wastes discharged to interstate waters, the commission shall adhere to the water quality requirements and recommendations of the New Hampshire fish and game department, the New England Interstate Water Pollution Control Commission, or the National Technical Advisory Committee of the Department

of the Interior, whichever requirements and recommendations provide the most effective level of thermal pollution control.

337:4 Enforcement of Classification. Amend RSA 149:8, I by striking out said paragraph and inserting in place thereof the following: I. After adoption of a given classification for a stream, lake, pond, tidal water, or section thereof, the commission shall enforce such classification by appropriate action in the courts of the state, and it shall be unlawful for any person or persons to dispose of any sewage, industrial, or other wastes, either alone or in conjunction with any other person or persons, in such a manner as will lower the quality of the waters of the stream, lake, pond, tidal water, or section thereof below the minimum requirements of the adopted classification. In any instance when the commission shall set a time limit for abatement of pollution under paragraph II, and it becomes apparent at any time during the compliance period that full compliance with the adopted classification will not be attained by the end of such period due to the failure of any person to take action reasonably calculated to secure abatement of the pollution within the time specified, the commission shall notify such person or persons in writing. If such person or persons shall fail or neglect to take appropriate steps to comply with the classification requirements within a period of thirty days after such notice, the commission shall seek appropriate action in the courts of the state.

337:5 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 338.

AN ACT RELATIVE TO THE EASTERN NEW HAMPSHIRE TURNPIKE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

338:1 Turnpike Improvements. Amend RSA by inserting after chapter 256-A the following new chapter:

Chapter 256-B

Eastern New Hampshire Turnpike Improvements

256-B:1 Authority Granted. The commissioner of public works and highways, with the approval of the governor and council, is hereby authorized to make improvements to the Eastern New Hampshire Turnpike, which shall include, but not be limited to, the addition of two traffic lanes in each direction from the route NH 107 interchange in Seabrook to the route NH 101 interchange in Portsmouth and the reconstruction of the toll facilities in the town of Hampton. Except as may be inconsistent herewith and except as hereinafter provided, said improvements shall be laid out, constructed and operated in accordance with, and shall be subject to, the provisions of RSA 256, including, but not limited to, section 8 of said chapter 256.

256-B:2 Funds Provided. A sum not exceeding three million dollars is hereby appropriated for the acquisition of necessary land and property for preliminary engineering for the improvements to the said turnpike and for completion of construction of the route 107 interchange. The appropriation shall be a continuing appropriation and shall not lapse.

256-B:3 Borrowing Power. The state treasurer is hereby authorized with the approval of the governor and council to borrow upon the credit of the state a sum not exceeding three million dollars for the purpose of carrying into effect the provisions of this chapter and for that purpose may issue bonds in the name and on behalf of the state of New Hampshire at a rate of interest to be determined by the governor and council. The maturity dates of such bonds shall be determined by the governor and council but in no case shall they be later than thirty years from the date of issue and may be redeemable before maturity at the option of the governor and council at such price or prices and under such terms and conditions as may be fixed by the governor and council prior to the issuance of the bonds. Such bonds shall contain an express guarantee which shall be deemed a contract on the part of the state that tolls will be collected in accordance with the provisions of this chapter and chapter 256 until the date of maturity of said bonds or until sufficient money shall have accumulated to pay said bonds and the interest thereon at or prior to the dates of maturity. The bonds shall be in such form and such denominations as the governor and council shall determine, may be registerable as to both principal and interest, shall be countersigned by the governor, and shall be deemed a pledge of the full faith and credit of the state. The governor may authorize his countersignature on said bonds to be by facsimile signature. The secretary of state shall keep an account of all such bonds showing the number and amount of each, the time and date of countersigning, the date of delivery to the treasurer and the date of maturity. The state treasurer shall keep an account of each bond showing the number thereof, the name of the person to whom sold, the amount received from the same, the date of the sale and the date of maturity.

256-B:4 Short Term Notes. Prior to the issuance of the bonds hereunder the state treasurer, with the approval of the governor and council, may for the purposes hereof borrow money from time to time on short term loans which may be refunded by the issuance of bonds hereunder. Provided however, that at no time shall the indebtedness of the state on such short term loans exceed the sum of three million dollars.

256-B:5 Sale of Bonds or Notes. All bonds or notes (except short term loans) issued under the provisions of this act shall be sold (1) at public sealed bidding (2) only after an advertisement calling for bids has been published at least once in each of two successive calendar weeks in a newspaper of general circulation in New Hampshire and in a financial publication of national circulation, the first publication being not less than fifteen days prior to the day the bids will be received, and (3) to the highest bidder. The governor and council may reject any or all bids, and/or negotiate with the highest responsible bidder. The proceeds from the sale of such bonds shall be held by the treasurer and paid out by him upon warrants drawn by the governor for the purposes of this act alone, and the governor

with the advice and consent of the council, shall draw his warrant for the payment from the funds provided by this act of all sums expended or due for the purposes herein authorized. All interest from such bonds shall be exempt from taxation within the state of New Hampshire.

338:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 339.

AN ACT RELATIVE TO HIGHWAY RELOCATION ASSISTANCE.

WHEREAS, Section 501 of the Federal-Aid Highway Act of 1968 states, "Congress hereby declares that the prompt and equitable relocation and re-establishment of persons, businesses, farmers, and nonprofit organizations displaced as a result of the federal highway programs and the construction of federal-aid highways is necessary to insure that a few individuals do not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole. Therefore, Congress determines that relocation payments and advisory assistance should be provided to all persons so displaced in accordance with the provisions of this title," and

WHEREAS, Continuing qualification for federal highway aid is contingent upon state highway participation in the highway relocation assistance program, and

WHEREAS, It is in the public interest that persons displaced for any highway purpose, whether financed in part with federal-aid funds or entirely with state funds, be fairly compensated for the property acquired and inconvenience suffered, and

WHEREAS, There is not now adequate legislative authority to carry out a state program as herein contemplated or as required by the Federal-Aid Highway Act of 1968, now therefore

Be it Enacted by the Senate and House of Representatives in General Court convened:

339:1 New Chapter. Amend RSA by inserting after chapter 233 the following new chapter:

Chapter 233-A

Highway Relocation Assistance

233-A:1 Policy. It is hereby declared to be the policy of this state and in the public interest that prompt and equitable relocation assistance be provided to persons displaced from their property as a result of highway activities undertaken by the department of public works and highways.

233-A:2 Authority Granted. The commissioner of public works and highways is authorized, subject to the approval of the governor and council,

within the limits of available funds and appropriations, to make relocation payments to eligible persons in accordance with the provisions of this chapter. In order to prevent unnecessary expenses and duplication of functions, the commissioner may make relocation payments or provide relocation assistance or otherwise carry out the functions required under this chapter by utilizing the facilities, personnel, and services of any other federal, state, or local governmental agency having an established organization for conducting relocation assistance programs.

233-A:3 Relocation Payments.

I. Upon application approved by the commissioner, a person displaced by any highway project may elect to receive actual reasonable expenses in moving himself, his family, his business, or his farm operation, including personal property.

II. Any displaced person who moves from a dwelling who elects to accept the payments authorized by this paragraph in lieu of the payments authorized by paragraph I of this section may receive

(a) a moving expense allowance, determined according to a schedule established by the commissioner, not to exceed two hundred dollars, and

(b) a dislocation allowance of one hundred dollars.

III. Any displaced person who moves or discontinues his business or farm operation who elects to accept the payment authorized by this paragraph in lieu of the payment authorized by paragraph I of this section, may receive a fixed relocation payment in an amount equal to the average annual net earnings of the business or farm operation, or five thousand dollars, whichever is the lesser. In the case of a business, no payment shall be made under this paragraph unless the commissioner is satisfied that the business

(a) cannot be relocated without a substantial loss of its existing patronage, and

(b) is not part of a commercial enterprise having at least one other establishment, not being acquired by the state or by the United States, which is engaged in the same or similar business. For the purposes of this paragraph, the term "average annual net earnings" means one-half of any net earnings of the business or farm operation, before income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation is displaced from the real property acquired for such project, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such two-year period.

233-A:4 Replacement Housing.

I. In addition to amounts otherwise authorized by this chapter, the commissioner shall make a payment to the owner of real property acquired for a project which is improved by a single-, two-, or three-family dwelling actually owned and occupied by the owner for not less than one year prior to the initiation of negotiations for the acquisition of such property. Such payment, not to exceed five thousand dollars, shall be the amount, if any, which, when added to the acquisition payment, equals the average price required for a comparable dwelling determined, in accordance with standards

established by the secretary of transportation, to be a decent, safe, and sanitary dwelling adequate to accommodate the displaced owner, reasonably accessible to public services and places of employment and available on the private market. Such payment shall be made only to a displaced owner who purchases and occupies a dwelling within one year subsequent to the date on which he is required to move from the dwelling acquired for the project.

II. In addition to amounts otherwise authorized by this chapter, the commissioner shall make a payment to any individual or family displaced from any dwelling not eligible to receive a payment under paragraph I of this section which dwelling was actually and lawfully occupied by such individual or family for not less than ninety days prior to the initiation of negotiations for acquisition of such property. Such payment, not to exceed fifteen hundred dollars, shall be the amount which is necessary to enable such person to lease or rent for a period not to exceed two years, or to make the down payment on the purchase of, a decent, safe, and sanitary dwelling of standards adequate to accommodate such individual or family, in areas not generally less desirable in regard to public utilities and public and commercial facilities.

III. The commissioner is further authorized to prepare a schedule of payments of grants for replacement housing under the provisions of paragraph I of this section. The schedule shall define the maximum grant allowable for certain graduations of the fair market value of real property acquired for a project. The schedule shall be prepared on either a state-wide basis or on an area basis and may be revised from time to time by the commissioner as required. The schedule and/or revisions to the schedule shall be approved by the authorized representative of the secretary of transportation prior to issuance. The payment schedule for each project shall be introduced and made a part of the record of the public hearing — (design) for the project. All grants for replacement housing under paragraph I of this section shall be in accordance with the established schedule.

IV. Every owner shall have the right of appeal to the commissioner for redress if he believes that the payment computed under paragraphs I or II of this section is not in accordance with the purposes of this act. The commissioner or his agent may review the appeal and for good cause may approve such additional payment as justice may require. The commissioner's decision in each case shall be final.

233-A:5 Expenses Incidental to Transfer of Property. In addition to amounts otherwise authorized by this chapter, the commissioner shall reimburse the owner of real property acquired for a project for reasonable and necessary expenses incurred for (a) recording fees, transfer taxes, and similar expenses incidental to conveying such property; (b) penalty costs for prepayment of any mortgage entered into in good faith encumbering such real property if such mortgage is on record or has been filed for record as provided by law on the date of approval by the commissioner of the location of such project; and (c) the pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting of title in the state or the effective date of the possession of such real property by the state, whichever is earlier.

233-A:6 Maximum Reimbursement. Notwithstanding any other provision of this chapter, the maximum payment hereunder to any displaced person shall be twenty-five thousand dollars except in any case where an additional sum is required in order to qualify the state to receive federal financial assistance in which case the full amount required by federal law shall be paid.

233-A:7 Eminent Domain. Nothing contained in this chapter shall be construed as creating in any condemnation proceedings brought under the power of eminent domain, any element of damages not in existence on the effective date of this chapter.

233-A:8 Relocation Services. The commissioner shall provide a relocation advisory assistance program which shall include such measures, facilities, or services as may be necessary or appropriate in order;

I. to determine the needs, if any, of displaced families, individuals, business concerns, and farm operators for relocation assistance;

II. to assure that, within a reasonable period of time, prior to displacement there will be available, to the extent than can reasonably be accomplished, in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, housing meeting the standards established by the secretary of transportation, for decent, safe, and sanitary dwellings, equal in number to the number of, and available to, such displaced families and individuals and reasonably accessible to their places of employment;

III. to assist owners of displaced businesses and displaced farm operators in obtaining and becoming established in suitable locations; and

IV. to supply information concerning the Federal Housing Administration home acquisition program under section 221 (d) (2) of the National Housing Act, the small business disaster loan program under section 7 (b) (3) of the Small Business Act, and other state or federal programs offering assistance to displaced persons.

233-A:9 Definitions. As used in this chapter

I. The term "person" means

(a) any individual, partnership, corporation, or association which is the owner of a business;

(b) any owner, part owner, tenant, or sharecropper who operates a farm;

(c) an individual who is the head of a family; or

(d) an individual not a member of a family.

II. The term "family" means two or more individuals living together in the same dwelling unit who are related to each other by blood, marriage, adoption, or legal guardianship.

III. The term "displaced person" means any person who moves from real property on or after the effective date of this chapter as a result of

the acquisition or reasonable expectation of acquisition of such real property, which is subsequently acquired, in whole or in part, for highway purposes, or as the result of the acquisition for highway purposes of other real property, on which such person conducts a business or farm operation.

IV. The term "business" means any lawful activity conducted primarily

(a) for the purchase and resale, manufacture, processing, or marketing of products, commodities, or any other personal property;

(b) for the sale of services to the public; or

(c) by a nonprofit organization.

V. The term "farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

VI. The term "secretary of transportation" means the Secretary of the Federal Department of Transportation.

VII. The term "highway purposes" means any of the activities required or authorized to be carried out by the commissioner of the department of public works and highways including the construction and maintenance of highways and bridges.

339:2 Repeal. RSA 233:27, 28, 29 and 30 (supp) as inserted by 1965, 104:1 relative to relocation payments and assistance are hereby repealed.

339:3 Effective Date. This act shall take effect August 23, 1968.

[Approved June 30, 1969.]

[Effective date August 23, 1968.]

CHAPTER 340.

AN ACT PROVIDING FOR A STUDY ON THE FEASIBILITY OF CONSTRUCTING AN EAST-WEST TOLL ROAD.

Be it Enacted by the Senate and House of Representatives in General Court convened:

340:1 Study Authorized. The commissioner of public works and highways is hereby authorized to contract with independent recognized consultants to make feasibility studies on the construction of an East-West toll road. The initial study shall consider a route extending from a point in the vicinity of the toll plaza on the New Hampshire Turnpike (interstate route 95) running more or less parallel to New Hampshire route 101 connecting with the belt line around Manchester, using such portions of route 101 as can be incorporated in a continuous highway, to a point in the vicinity of the town of Brattleboro, Vermont, near where New Hampshire route 9 meets the Vermont boundary. Said consultants shall determine whether the construction and operation of such a toll road is economically feasible and shall make such recommendations on this or alternatives as they deem neces-

sary. The commissioner of public works and highways shall report the results of said study to the 1971 session of the general court. The costs of the feasibility study shall be a charge against the separate accounts established by RSA 256:8 and RSA 257:7.

340:2 Effective Date. This act shall take effect upon passage.

[Approved June 30, 1969.]

[Effective date June 30, 1969.]

CHAPTER 341.

AN ACT TO ESTABLISH A COMMISSION TO STUDY TIDAL WETLANDS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

341:1 Commission Established. There is hereby established a commission to study the future uses of the state's tidal wetlands. The commission shall be composed of three members of the house of representatives, appointed by the speaker, three members of the senate, appointed by the president, and three members of the general public appointed by the governor. It shall be the duty of the commission to make a careful study of laws presently in effect relating to the use of tidal wetlands; to make recommendations for changes in those laws to make them better serve the interests of the citizens of the state; and, if necessary, to propose new legislation designed to regulate the use of tidal wetlands in a manner that best promotes the general welfare. The commission shall hold at least three public hearings in the seacoast region whereat interested citizens shall be afforded an opportunity to be heard. Notice of the time, place and subject of any said hearing shall be advertised in a newspaper of general circulation in the seacoast area at least fourteen days before it is held. If the purpose of any such hearing is to consider the future uses of any particular area of the tidal wetlands of the state, maps or aerial photographs of the area to be considered shall be filed with the Rockingham county register of deeds at least fourteen days prior to the said hearing, and shall be open to public inspection. The various departments, boards, commissions, institutions and agencies of the state shall cooperate with the commission in the performance of its duties. The commission shall make a report of its findings to the governor, the speaker of the house, and the president of the senate within fourteen days after the convening of the next session of the general court.

341:2 Effective Date. This act shall take effect upon its passage.

[Approved June 30, 1969.]

[Effective date June 30, 1969.]

CHAPTER 342.**AN ACT TO ESTABLISH A COMMISSION TO STUDY INLAND WETLANDS.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

342:1 Commission Established. There is hereby established a commission to study the future uses of the state's inland wetlands, marshes, and flood plains. The commission shall be composed of three members of the house, appointed by the speaker, three members of the senate, appointed by the president, and three members of the general public, appointed by the governor. It shall be the duty of the commission to make a careful study of the laws presently in effect relating to the use of inland wetlands, marshes, and flood plains; to make recommendations for changes in those laws to make them better serve the interests of the citizens of the state; and, if necessary, to propose new legislation designed to regulate the use of inland wetlands, marshes, and flood plains in a manner that best promotes the general welfare. The commission shall hold at least three public hearings whereat interested citizens shall be afforded an opportunity to be heard. Notice of the time, place, and subject of any said hearing shall be advertised in a newspaper of general circulation in the state at least fourteen days before it is held. The various departments, boards, commissions, institutions and agencies of the state shall cooperate with the commission in the performance of its duties. The commission shall make a report of its findings to the governor, the speaker of the house, and the president of the senate within fourteen days after the convening of the next session of the general court.

342:2 Effective Date. This act shall take effect upon its passage.

[Approved June 30, 1969.]

[Effective date June 30, 1969.]

CHAPTER 343.

AN ACT TO AUTHORIZE COOPERATIVE BANKS, SAVINGS AND LOAN ASSOCIATIONS, BUILDING AND LOAN ASSOCIATIONS, FEDERAL SAVINGS AND LOAN ASSOCIATIONS AND MUTUAL SAVINGS BANKS TO MERGE OR CONSOLIDATE WITH ONE ANOTHER.

Be it Enacted by the Senate and House of Representatives in General Court convened:

343:1 Merge and Consolidate. Amend RSA 393:55 by striking out said section and inserting in place thereof the following sections:

393:55 Power to Merge or Consolidate. Cooperative banks, savings and loan associations, building and loan associations and mutual savings banks organized under the laws of this state may merge or consolidate with one another and transfer their engagements, funds and property to one another with the written approval and upon terms prescribed by the bank commissioner, pursuant to the procedure as follows:

I. That the governing bodies of the corporations involved approve the merger or consolidation, its terms and conditions by a majority vote

of those present and voting at a regular meeting or a special meeting called for that purpose.

II. That the voters of the corporations approve the merger or consolidation by majority vote of those present and voting at the annual meeting or at a special meeting called for that purpose, provided that:

(a) Notice of the meeting and the purpose for which it is held is mailed to all the eligible voters at their last known address as shown on the books of the corporations at least fourteen days prior to the meeting.

(b) Notice of the meeting shall have been published once a week for three successive weeks in one of the newspapers published in the municipalities where the corporations' principal offices are located, if any, otherwise in such newspapers as the commissioner may order, the last notice published at least fourteen days prior to the date of the meeting named in the call.

III. The reorganized cooperative bank, association or mutual savings bank shall be liable for all obligations existing prior to such merger or consolidation and may retain and service all accounts lawfully held by it on the date of such consolidation or merger.

IV. The merger or consolidation shall not prejudice the right of any creditor of any of the corporations involved therein to have payment of his debt out of the assets thereof, nor shall any creditor be thereby deprived of, or prejudiced in, any right of action then existing against the officers or directors of said corporations for any neglect or misconduct.

V. The terms and conditions of the merger or consolidation shall be set forth in an agreement signed by the duly authorized officers of the corporations and under their respective seals and shall provide for the mode of carrying the same into effect, when the merger or consolidation shall be effective, the manner of converting the savings capital and accounts of one corporation into the savings capital and accounts of the other corporation, together with such other provisions and details as shall be necessary to perfect the merger or consolidation.

VI. After the meetings of the voters of the corporations as provided for have been held, then that fact shall be certified on said agreement by the secretaries of the corporations, and the original and sufficient duplicate originals of the agreement so signed, adopted and certified, shall be forwarded to the commissioner for his approval or disapproval, one copy to be forwarded to each corporation. If approved, a copy thereof, certified by the commissioner, shall be filed in his office within sixty days after the day of the meeting at which said agreement was adopted by the voters of the corporations. From the time of filing the copy of such agreement with the commissioner, said agreement shall thenceforth be taken and deemed to be the agreement and act of merger or consolidation of said constituent corporation for all purposes of the laws of this state.

393:55-a Power to Merge; Federal Savings and Loan Associations. Cooperative banks, savings and loan associations, building and loan associations and mutual savings banks organized under the laws of this state may merge or consolidate with federal savings and loan associations upon compliance with the applicable provisions of this chapter and federal savings

and loan associations may merge or consolidate with such state associations; however, a federal savings and loan association in the action taken by it shall be subject to and governed by the limitations and requirements imposed by the laws of the United States which will also govern the rights of its dissenting stockholders.

343:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 344.

AN ACT RELATIVE TO THE BANK ADVISORY BOARD.

Be it Enacted by the Senate and House of Representatives in General Court convened:

344:1 Advisory Board. Amend RSA 383:19 as inserted by 1961, 278:1 and amended by 1963, 217:1 by striking out in line two the word "ten" and inserting in place thereof the word (nine) and by striking out in lines eight and nine the words "once during each calendar quarter" and inserting in place thereof the word (semiannually) so that said section as amended shall read as follows: **383:19 Established.** There shall be an advisory board consisting of nine members to advise and consult with the commissioner from time to time in order to promote understanding and cooperation between the office of the bank commissioner and the institutions under his supervision, to provide for better enforcement and observation of the laws relating to banking and credit, and to serve as a medium for exchange of ideas for the establishment of sound banking and credit practices. The board shall meet with the commissioner in his office at least semiannually and may be convened by the chairman on such occasions as he shall deem expedient; provided, however, that upon written request of any two members of the board the chairman shall convene a special meeting of the board forthwith.

344:2 Appointment and Term. Amend RSA 383:20 as inserted by 1961, 278:1 and amended by 1963, 217:2 by striking out said section and inserting in place thereof the following: **383:20 Appointment and Term.** The advisory board shall consist of nine members, six members to be appointed by the governor with the advice and consent of the council from nominations made from each of the following groups, namely, mutual savings banks, the trust companies, the guaranty savings banks, cooperative banks (including building and loan associations), consumer finance companies with principal offices in New Hampshire, and the state chartered credit unions, each of whom shall select a panel of three persons representing its type of institution and from each of the six panels thus selected one person shall be appointed to the advisory board. The terms of office of said members shall be for six years each. In addition, the speaker of the house shall appoint two members, who shall be members of the house, and the president of the senate shall appoint one member, who shall be a member of the senate, said three members shall serve for a term of four years or

until the time they become no longer a member or elected member of the senate or house of representatives, whichever is earlier. Each member of the board shall serve until his successor has been appointed and qualified and vacancies shall be filled for the unexpired term in the same manner in which the original appointments were made. The advisory board shall also act as a committee to study the banking laws and make such recommendations as they see fit to any future session of the legislature. The chairman shall be elected by the board from its members annually at the first regular semiannual meeting. A vice-chairman and clerk shall be elected at the same meeting and the clerk may be other than a member of the board. Special meetings may be held at different places about the state.

344:3 Membership of Board. After the effective date of this act the member of the advisory board who represents the national banks with principal offices in New Hampshire shall cease to be a member of the board. No other member of the board shall have his term affected by the provisions of this act, but each shall continue serving as previously provided.

344:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 345.

AN ACT RELATIVE TO ANATOMICAL GIFTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

345:1 Anatomical Gifts. Amend RSA by inserting after chapter 291 the following new chapter:

Chapter 291-A Anatomical Gifts

291-A:1 Definitions. As used in this chapter the following words shall have the following meanings:

I. "Bank or storage facility" means a facility licensed, accredited, or approved under the laws of any state for storage of human bodies or parts thereof.

II. "Decedent" means a deceased individual and includes a stillborn infant or fetus.

III. "Donor" means an individual who makes a gift of all or part of his body.

IV. "Hospital" means a hospital licensed, accredited, or approved under the laws of any state, and includes a hospital operated by the United States government although not required to be licensed under state law.

V. "Part" means organs, tissues, eyes, bones, arteries, blood, other fluids and any other portions of a human body.

VI. "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

VII. "Physician" or "surgeon" means a physician or surgeon licensed or authorized to practice under the laws of any state.

291-A:2 Persons Who May Execute Gift.

I. Any individual of sound mind and eighteen years of age or more may give all or any part of his body for any purpose specified in section 3, the gift to take effect upon death.

II. Any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of death, and in the absence of actual notice of contrary indications by the decedent or actual notice of opposition by a member of the same or a prior class, may give all or any part of the decedent's body for any purpose specified in section 3;

- (a) the spouse, an adult son or daughter,
- (b) either parent,
- (c) an adult brother or sister,
- (d) a guardian of the person of the decedent at the time of his death,
- (e) any other person authorized or under obligation to dispose of the body.

III. If the donee has actual notice of contrary indications by the decedent or that a gift by a member of a class is opposed by a member of the same or a prior class, the donee shall not accept the gift. The persons authorized by subsection II may make the gift after or immediately before death.

IV. A gift of all or part of a body authorizes any examination necessary to assure medical acceptability of the gift for the purposes intended.

V. The rights of the donee created by the gift are paramount to the rights of others except as provided by section 7 IV.

291-A:3 Persons Who May Become Donees; Purposes for Which Gifts May be Made. The following persons may become donees of gifts or bodies or parts thereof for the purposes stated:

I. Any hospital, surgeon, or physician, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or

II. Any accredited medical or dental school, college or university for education, research, advancement of medical or dental science, or therapy; or

III. Any bank or storage facility, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or

IV. Any specified individual for therapy or transplantation needed by him.

291-A:4 Manner of Executing Gifts.

I. A gift of all or part of the body under section 2 I may be made by

will. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated, or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and effective.

II. A gift of all or part of the body under section 2 I may also be made by document other than a will. The gift becomes effective upon the death of the donor. The document, which may be a card designed to be carried on the person, must be signed by the donor in the presence of three witnesses who must sign the document in his presence. If the donor cannot sign, the document may be signed for him at his direction and in his presence in the presence of three witnesses who must sign the document in his presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

III. The gift may be made to a specified donee or without specifying a donee. If the latter, the gift may be accepted by the attending physician as donee upon or following death. If the gift is made to a specified donee who is not available at the time and place of death, the attending physician upon or following death, in the absence of any expressed indication that the donor desired otherwise, may accept the gift as donee.

IV. Notwithstanding section 7 II, the donor may designate in his will, card, or other document of gift the surgeon or physician to carry out the appropriate procedures. In the absence of a designation or if the designee is not available, the donee or other person authorized to accept the gift may employ or authorize any surgeon or physician for the purpose.

V. Any gift by a person designated in section 2 II shall be made by a document signed by him or made by his telegraphic, recorded telephonic, or other recorded message.

291-A:5 Delivery of Document of Gift. If the gift is made by the donor to a specified donee, the will, card, or other document, or an executed copy thereof, may be delivered to the donee to expedite the appropriate procedures immediately after death. Delivery is not necessary to the validity of the gift. The will, card, or other document, or an executed copy thereof, may be deposited in any hospital, bank or storage facility, or registry office that accepts it for safekeeping or for facilitation of procedures after death. On request of any interested party upon or after the donor's death, the person in possession shall produce the document for examination.

291-A:6 Amendment or Revocation of Gift.

I. If the will, card, or other document or executed copy thereof, has been delivered to a specified donee, the donor may amend or revoke the gift by;

- (a) the execution and delivery to the donee of a signed statement, or
- (b) an oral statement made in the presence of three witnesses and communicated to the donee, or
- (c) a statement during a terminal illness or injury addressed to an attending physician and communicated to the donee, or
- (d) a signed card or document found on his person or in his effects.

II. Any document of gift which has not been delivered to the donee

may be revoked by the donor in the manner set out in subsection I, or by destruction, cancellation, or mutilation of the document and all executed copies thereof.

III. Any gift made by a will may be revoked in the manner provided for in RSA 551:13 for revocation of wills, or as provided in paragraph I.

291-A:7 Rights and Duties at Death.

I. The donee may accept or reject the gift. If the donee accepts a gift of the entire body, he may, subject to the terms of the gift, authorize embalming and the use of the body in funeral services. If the gift is of a part of the body, the donee, upon the death of the donor and prior to embalming, shall cause the part to be removed without unnecessary mutilation. After removal of the part, custody of the remainder of the body vests in the surviving spouse, next of kin, or other persons under obligation to dispose of the body.

II. The time of death shall be determined by a physician who attends the donor at his death, or, if none, the physician who certifies the death. The physician shall not participate in the procedures for removing or transplanting a part.

III. A person who acts in good faith in accord with the terms of this chapter is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his act.

IV. The provisions of this chapter are subject to RSA 611:10 through 611:15 prescribing powers and duties with respect to autopsies.

291-A:8 Uniformity of Interpretation. This chapter shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

291-A:9 Short Title. This chapter may be cited as the Uniform Anatomical Gift Act.

345:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 346.

AN ACT RELATING TO THE RETIREMENT OF JUDGES OF THE PROBATE COURTS
WHO ARE PERMANENTLY DISABLED.

Be it Enacted by the Senate and House of Representatives in General Court convened:

346:1 Judge of Probate; Permanent Disability; Appointment of Successor. Amend RSA 547 by inserting after section 19 the following new section: 547:19-a Retirement Due to Disability. Notwithstanding any other provisions of law, any judge of probate who shall become unable to perform his duties because of permanent disability shall be retired from

regular active service on the bench for the remainder of his term. Any such judge who desires to retire because of inability to perform his duties shall certify to the governor and council his disability to perform his duties. If they find him unable to perform his duties because of permanent disability, the governor and council shall order his retirement from regular active service. If a judge of probate who is permanently disabled to perform his duties shall be unable or unwilling to certify his disability, any three justices of the probate court shall certify in writing his disability to the governor and council, who shall, if they find him after due notice and hearing, unable to perform his duties because of permanent disability, order his retirement from regular active service. The governor and council upon retirement of any such judge of probate as provided herein shall appoint a successor to serve out the remainder of the term. Any judge of probate who has served in such capacity for a period of at least ten years in said office, retired from regular active service because of permanent disability, shall receive during the remainder of his term a salary equal to one-half the salary being paid to him at the time of his retirement, except in case of his election to take other retirement benefits as hereinafter provided. Any judge retired from active regular service under the provisions hereof who is also a member of the state employees' retirement system or the New Hampshire retirement system shall be entitled to retire with disability benefits under either of said systems, upon notification to the retirement board. If, however, said judge elects to take payments under the provisions of this section he shall thereby forfeit all rights to any benefits provided under said employees' or New Hampshire retirement system.

346:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 347.

AN ACT RELATIVE TO AUTHORIZED REGIONAL ENROLLMENT AREAS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

347:1 Construction of Area Schools. Amend RSA 195-A:7 (supp) as inserted by 1963, 277:1 and amended by 1965, 112:5 by striking out in line twenty-one the letters and numerals "RSA 195-B" and inserting in place thereof the following (RSA 195-C) so that said section as amended shall read as follows: **195-A:7 Construction of Area Schools.** The construction of an area school building, including construction of additions or alterations of existing buildings, the required new construction of such facilities during the life of the plan, the equipment thereof, and necessary land acquisition therefor, shall be the responsibility of the receiving district but it must, at all times, provide facilities of sufficient capacity to meet the estimated educational needs of the receiving and sending districts together. A receiving district may borrow money for such purposes as provided in RSA 33 as

amended. However, in calculating whether it is within its debt limit, there shall be charged thereto an amount no greater than its proportionate share of any such required capital outlay, which shall be the proportion which its then estimated enrollment in the area school, to be constructed or enlarged, bears to the then estimated total enrollment therein, as determined by order of the state board. The total amount of such bond or serial note issue shall be general obligations of the receiving district, fully secured by its powers of taxation. Upon application of the school board of the receiving district, that amount of such bond or serial note issue, which is in excess of the proportionate share of the receiving district as determined by the state board, shall be eligible for state guarantee, either on a declining balance basis or as a separate issue fully guaranteed, as the governor and council may decide, in accordance with RSA 195-C. The school board of the receiving district, without vote of the district, shall apply all tuition payments received from sending districts in each year first to the payment of the currently scheduled, or any past due, annual installments of principal or interest on that amount of such bond or serial note issue which is guaranteed by the state; and only after adequate provision has been made therefor may any portion of such revenue be used for other purposes.

347:2 Review of Area Plan and Withdrawal of Districts. Amend RSA 195-A:14 as inserted by 1963, 277:1 by striking out said section and inserting in place thereof the following section:

195-A:14 Review of Area Plan and Withdrawal of Districts.

I. After the fifth anniversary of the date of operating responsibility a joint board meeting held under section 5 may vote to establish an area school plan review board. The review board shall consist of three members from the school board of each school district which belongs to the area plan, and such members shall be selected by and from their respective school boards. The review board may also include three members from the school board of each of any one or more school districts located in proximity to the authorized regional enrollment area. The review board shall organize by the election of a chairman and a clerk, and may adopt rules for the calling and conduct of its meetings. It shall be the duty of the review board to consider the effectiveness of the area school plan as a method for providing improved educational services. If the review board by a majority vote of all its members determines that the area school plan should be modified, it shall submit an amended area school plan to the state board for its approval. An amended area school plan may provide for the addition of one or more new sending districts, the withdrawal of one or more sending districts, the withdrawal of the receiving district and the substitution of a different district as the receiving district, a change in the grades covered by the area plan, or any combination of the foregoing, or for the dissolution of the area; and it shall provide for the equitable adjustment of the rights and responsibilities of each member of the plan, whether present or prospective, with respect to area school facilities. If such provisions include payments from one school district to another, they may be made over a period of not more than ten years, but the obligation to make such payments shall not be deemed indebtedness of the obligor school district for the purpose of

determining its borrowing capacity under RSA 33. In addition to the foregoing powers, an area school plan review board may act as a cooperative school district planning board pursuant to section 15 of this chapter; and instead of submitting an amended area school plan, the review board may prepare and recommend the adoption of articles of agreement for a cooperative school district.

II. In considering whether to approve an amended area school plan, the state board shall apply the standards set forth in section 2 and shall also consider the capacity of each school district which would be affected by the adoption of the amended area school plan to successfully discharge the educational and financial responsibilities which would result from such adoption. If the state board finds that the adoption of the amended area school plan would be in the best interests of the state and of the school districts affected thereby, it shall so notify the school board of each such school district. Thereafter, each school district, its school board, voters or legislative body, and other appropriate officers, shall deal with the amended area school plan in accordance with the procedures set forth in section 3 as though such amended plan were an original plan being submitted under section 3, except that the form of the question used in each school district shall be prepared by the state board and included in its notice to each district; and the forms of question used in the several districts may be different as circumstances require. If the amended area school plan is adopted, the state board shall issue its certificate to that effect, which shall be conclusive evidence of the lawful adoption of the amended area school plan. If the amended plan is not adopted, no further action with respect to the amended area school plan shall be taken until another area school plan review board has been established pursuant to paragraph I of this section.

III. After the fifth anniversary of the date of operating responsibility a sending district by a two-thirds vote of the legal voters present and voting at an annual school district meeting may vote to withdraw from an area school plan. Such vote shall not take effect until the first day of the second school year following the school year in which the withdrawal vote is passed, but after the passage of the withdrawal vote the withdrawing school district may take any action otherwise permitted by law which is necessary in order to provide adequate school facilities required as a result of the withdrawal vote. If there is any indebtedness which was incurred by the receiving district to finance the capital costs of area schools and which is outstanding when the withdrawal vote takes effect, the sending district shall remain liable to the receiving district for (a) that percentage of the payments of principal and interest of such debt thereafter due which is the same as the percentage for which the sending district was responsible in the school year immediately preceding the effective date of the withdrawal vote, and (b) all amounts of state aid for the purchase or construction of school buildings which are lost by the receiving district after the withdrawal of the sending district as a result of such withdrawal, all as determined by the state board of education. Payments in discharge of the foregoing liability shall be made in accordance with a schedule agreed upon by the school boards of the receiving district and the withdrawing district, or, in the event they fail to agree, as fixed by the state board. Such payments shall be deemed to be

trust funds and shall be applied by the receiving district solely in payment of its indebtedness which was incurred to finance area school facilities and which was outstanding on the effective date of the withdrawal vote. A sending district which withdraws from an area school plan shall thereby forfeit its equity in any area schools.

IV. No school district may withdraw from an area school plan, and no area school plan may be dissolved, except in accordance with the procedures set forth in the preceding three paragraphs. No school district which is a member of an area school plan in which the receiving district has indebtedness which was incurred to finance the capital costs of area schools and which was outstanding on the effective date of the enactment of this amended section in 1969 may withdraw from the area school plan until after such indebtedness is paid in full, nor may any such area school plan be dissolved until such time.

V. For the purposes of this section, indebtedness incurred to finance the capital costs of a school which was not designated as an area school at the time the indebtedness was incurred shall not be deemed indebtedness incurred to finance the capital costs of area schools.

347:3 Conversion of Area School Plan to Cooperative School District. Amend RSA 195-A:15, I as inserted by 1963, 277:1 by striking out in lines twelve and thirteen the words "including unpaid obligations due the New Hampshire school building authority" so that said paragraph as amended shall read as follows: I. The school districts comprising an authorized regional enrollment area plan may convert the plan to a cooperative school district as provided in RSA 195:18 upon the expiration of five years after date of operating responsibility, and thereafter. Provided, however, that, if such area plan then includes a city school district or the dependent school department of a city, such conversion may only be accomplished by special act of the legislature upon petition of the cooperative school district planning board. In proceedings for conversion, the school boards of the several school districts in the area plan, acting jointly, shall constitute the cooperative school district planning board. The articles of agreement for such conversion shall provide for assumption by the cooperative school district of all outstanding debt of each receiving district incurred for its area schools, and shall provide for termination of tuition payments on date of operating responsibility of the new cooperative district.

347:4 Amount of Annual Grant. Amend RSA 198:15-b (supp), as amended by 1955, 335:9, 1957, 301:1, 1963, 277:3, 1965, 150:2, and 1967, 362:4, 399:1, 449:3, by striking out in lines eight and nine the words "including loans made by the New Hampshire school building authority," so that said section as amended shall read as follows: **198:15-b Amount of Annual Grant.** The amount of the annual grant to any school district duly organized, any city maintaining a school department within its corporate organization, any cooperative school district as defined in RSA 195:1, or any receiving district operating an area school as defined in RSA 195-A:1, shall be a sum equal to thirty per cent of the amount of the annual payment of principal on all outstanding borrowings of the school district, city, cooperative school district or receiving district, heretofore or hereafter in-

curred, for the cost of construction or purchase of school buildings and supervisory union facilities, to the extent approved by the state board of education, provided that any school district may receive an annual grant in the amount of forty per cent for the construction of an educational administration building for supervisory union, and provided that the amount of the annual grant in the case of a cooperative school district, or a receiving district operating an area school, shall be forty per cent plus five per cent for each pre-existing district in excess of two and each sending district in excess of one, and provided further that no cooperative school district, or receiving district operating an area school, shall receive an annual grant in excess of fifty-five per cent. For the purposes of computing grants hereunder the amount of the annual payment of principal shall be increased by an amount equal to the amount of capital reserve and/or amount raised by taxation which was actually expended for the project at any time, divided by the number of years for which bonds or notes were issued to provide funds for such school building or supervisory union facilities. If the project was entirely financed by the use of capital reserve or amounts raised by taxation, the aid provided herein shall be paid in ten equal annual grants. For the purposes of this subdivision construction shall include the acquisition and development of the site, construction of a new building and/or additions to existing buildings including alterations providing additional pupil capacity, architectural and engineering fees, purchase of equipment and any other costs necessary for the completion of the building as approved by the state board of education; and purchase of school buildings shall include the acquisition and improvement of land in connection therewith and the remodeling, altering, repairing, equipping and furnishing of such buildings as approved by the state board of education.

347:5 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 348.

AN ACT CLARIFYING THE DELINQUENT CHILD.

Be it Enacted by the Senate and House of Representatives in General Court convened:

348:1 Chapter's Applicability. Amend RSA 169:1 (supp) as amended by 1959, 36:1, 1961, 222:1 and 1965, 256:1 by striking out the same and inserting in place thereof the following: **169:1 Applicability of Chapter.** This chapter shall apply to those delinquent children defined in subparagraph (a) of RSA 169:2 II under the age of seventeen, and those delinquent children so defined with respect to whom a petition is filed hereunder after his seventeenth birthday, but before his twenty-first birthday because of an act of delinquency committed before such seventeenth birthday. This chapter shall also apply to those delinquent children defined in subparagraph (b) of RSA 169:2 II under the age of eighteen and those delinquent children

so defined with respect to whom a petition is filed hereunder after his eighteenth birthday but before his twenty-first birthday because of an act of delinquency committed before such eighteenth birthday. The chapter shall apply to neglected children under the age of eighteen years. Jurisdiction acquired by the court or the director of public welfare, under order of the court, over a neglected child shall cease when said neglected child arrives at the age of eighteen. The court's jurisdiction over a delinquent child shall continue until said child arrives at the age of twenty-one years unless he is previously discharged by the court, or jurisdiction over him is released to the superior court.

348:2 Redefine Delinquent Child. Amend RSA 169:2 II by striking out said paragraph and inserting in place thereof the following:

II. "Delinquent child," shall be:

(a) Any child who violates any law of this state or any city or town ordinance or who so deports himself as to injure or endanger the health or morals of himself or others.

(b) Any child who is wayward, disobedient or uncontrolled by his parent, guardian or custodian.

348:3 Ages of Child or Juvenile. Amend RSA 169:2 III (supp) as amended by 1959, 36:2 and 1965, 256:2 by striking out said paragraph and inserting in place thereof the following: III. "Child or Juvenile," any neglected boy or girl under the age of eighteen years, any delinquent child as defined in RSA 169:2 II (a) whose act or acts of delinquency were committed while he or she was under the age of seventeen and any delinquent child as defined by RSA 169:2 II. (b) whose act or acts of delinquency were committed while he or she was under the age of eighteen.

348:4 Disposition of Delinquents. Amend RSA 169:14 (supp) as amended by 1965, 256:3 by striking out in lines four and five the words "After the delinquent has passed the age of seventeen years" and inserting in place thereof the words (After the delinquent as defined by RSA 169:2 II (a) has passed the age of seventeen years or the delinquent as defined by RSA 169:2 II (b) has passed the age of eighteen years) so that said section as amended shall read as follows: **169:14 Disposition of Delinquents; Probation; Institution Care.** When a child is found to be delinquent, the court may commit the child to the industrial school or continue the case with such orders as to care, custody, and probation as justice and the welfare of the child require. After the delinquent as defined by RSA 169:2 II (a) has passed the age of seventeen years or the delinquent as defined by RSA 169:2 II (b) has passed the age of eighteen years, the court may, under its continuing jurisdiction, commit him either to the industrial school, house of correction, jail, or state prison, for all or any part of the term of his minority. A summary of the probation officer's investigation shall accompany each commitment. All records pertaining to cases of delinquency shall be kept at all times so that no one, except by court order, other than officers of the institution where the child is committed, duly accredited probation officers and others entrusted with the corrective treatment of said child, shall have access to the same. Any officer or employee of an institution who permits other than authorized persons to have access to such records, or any officer or

employee or person entrusted with the use of the same for corrective purposes, or any one else, who publishes or broadcasts or permits the publication or broadcast of such records or parts of the same, except by court order, shall be in contempt of court. This prohibition shall not be construed to prevent publication as provided in this section or section 27 of this chapter.

348:5 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 349.

AN ACT PROVIDING FOR THE ASSESSMENT OF AUTOMOBILE INSURERS TO MEET
THE CLAIM LIABILITIES OF INSOLVENT COMPANIES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

349:1 New Chapter. Amend RSA by inserting after chapter 404 the following new chapter:

Chapter 404-A

Assessment For Claims Against Insolvent Automobile Insurance Companies

404-A:1 Definitions. As used in this chapter:

I. "Business of automobile insurance" means the writing of one or more of the following automobile insurance coverages on New Hampshire risks: bodily injury, property damage, medical payments, automobile physical damage including collision, and uninsured motorist.

II. "Licensed automobile insurer" means an insurer authorized to transact and actually transacting the business of automobile insurance in the state of New Hampshire.

III. "Insolvent insurer" means a licensed automobile insurer which has been declared insolvent by a court of competent jurisdiction after the effective date of this chapter; and at any time prior to such declaration of insolvency, had been authorized to transact and had actually transacted the business of automobile insurance in the state of New Hampshire.

IV. "Net loss" means that dollar amount remaining after subtracting the total amount paid claimants in distribution by the receiver of an insolvent insurer from the total amount of all liquidated and duly approved claims against the insolvent insurer.

V. "Claims" means bodily injury liability claims, property damage liability claims, medical payment claims, uninsured motorist claims, automobile physical damage claims and claims for unearned premiums, up to a maximum of twenty-five thousand dollars per person, fifty thousand per occurrence for bodily injury, twenty-five thousand for property damage and five thousand for medical payments, which are payable under the terms of a valid policy of automobile insurance issued to a resident of New Hamp-

shire by an insolvent insurer prior to adjudication of insolvency or appointment of a receiver by a court of competent jurisdiction. Provided that the insurer against whom claim is made was legally liable; that by reason of insolvency of the insurer it is unable to meet its insurance obligation; and that the claim is not cognizable under any uninsured motorist coverage. Provided further, that the amount recoverable by virtue of this chapter by any claimant shall not exceed that amount which said claimant would have been eligible to receive had not the insurer been declared insolvent.

VI. "Claimant" means any person who has a claim against an insolvent insurer or an insured of said insolvent insurer, but shall not include a licensed automobile insurer whose claim has arisen by reason of its subrogation to the rights of its insured to whom it has made payment under its insured's uninsured motorist coverage, such payment having been occasioned by the insolvency of the insolvent insurer.

VII. "Receiver" means any person who is charged by a court of competent jurisdiction with the responsibility for the administration of the affairs of an insolvent insurer.

VIII. "Net Direct Written Premiums" means direct gross premiums received from the business of automobile insurance less return premiums thereon and dividends paid or credited to policyholders on such direct business. Premiums written by an authorized insurer on policies issued to self insurers, whether or not designated as reinsurance contracts shall be deemed net direct premiums.

404-A:2 New Hampshire Automobile Assessment Association. An association to be known as the New Hampshire automobile assessment association is hereby created. Each licensed automobile insurer, as a condition for transacting the business of automobile insurance in the state of New Hampshire, shall belong to the association. Upon the determination by a court of competent jurisdiction that an insurer is an insolvent insurer, as herein defined, the insurance commissioner shall notify all members of the New Hampshire automobile assessment association of the insolvency and shall direct the association to assess each licensed automobile insurer as hereinafter set forth to provide the funds necessary to pay the net loss attributable to an insolvent insurer. If the association fails to make such assessment promptly upon direction to do so by the insurance commissioner, the insurance commissioner shall make such assessment directly. Such assessment shall be an appropriate expense factor when considering the cost of doing business in the state of New Hampshire.

404-A:3 Proportionate Amount of Net Loss. The proportionate amount of the net loss to be assumed by each licensed automobile insurer shall be that amount which bears the same relation to the net loss as the amount of the net direct premiums written by the licensed automobile insurer in transacting the business of automobile insurance in the state of New Hampshire in the calendar year preceding the adjudication of insolvency of the insolvent insurer bears to the total amount of all net direct premiums written by all licensed automobile insurers in transacting the business of automobile insurance in the state in said calendar year.

404-A:4 Maximum Annual Assessment. The maximum total assess-

ment in any calendar year shall not exceed three percent of the total amount of all net direct premiums written by all licensed automobile insurers in transacting the business of automobile insurance in the state in said calendar year.

404-A:5 New Hampshire Automobile Assessment Association Committee. The New Hampshire automobile assessment association shall maintain an association committee, consisting of not less than six persons chosen by the members of the association which shall be composed of representatives of three stock insurers and three nonstock insurers and include at least two representatives of domestic insurers which shall represent the association and which, at its option, shall have the right:

I. To examine the annual statements, annual reports, convention examination reports or any special examination reports of any licensed automobile insurers.

II. To submit reports and make recommendations to the insurance commissioner regarding the financial condition of any licensed automobile insurer or regarding the operation or administration of this chapter.

III. To investigate and examine any claim presented to the receiver of any insolvent insurer and to submit recommendations with respect thereto to the receiver.

404-A:6 Regulations. The insurance commissioner shall by regulation establish rules and procedures for the effective operation and administration of this chapter.

349:2 Effective Date. This act shall take effect upon its passage.

[Approved June 30, 1969.]

[Effective date June 30, 1969.]

CHAPTER 350.

AN ACT EMPOWERING THE NEW HAMPSHIRE PORT AUTHORITY TO TAKE PREVENTATIVE ACTION AGAINST CONTAMINATION OF NEW HAMPSHIRE BEACHES BY VESSELS DIS-

CHARGING MATERIALS WITHIN TERRITORIAL WATERS AND REQUIRING PILOTS IN PORTSMOUTH HARBOUR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

350:1 New Hampshire Port Authority. Amend RSA 107 by inserting after section 8 the following new section: **107:8-a Prevention of Coastal Contamination.** The New Hampshire State Port Authority shall be responsible for initiating measures to prevent the contamination of the state seacoast area by oil or other matter which may be discharged from a seagoing vessel. Said authority may stockpile detergents and other equipment that may be needed to combat or prevent such contamination if it should threaten. In the event that a discharge of oil or other matter should threaten the seacoast area with contamination, the authority shall undertake procedures to protect the ports and beaches and reduce the possibility of dam-

age from the contaminating material. In the event the seacoast area becomes contaminated, the governor shall be notified of said contamination by the said authority. The provisions of this section shall in no way impair or diminish the authority of the water supply and pollution control commission under RSA 149 or any other statute.

350:2 Authority. Amend RSA 271-A:6 as amended by 1957, 262:1 by striking out the same and inserting in place thereof the following: **271-A:6 Authority of Pilot.** Any pilot appointed by the authority who has given security for the faithful discharge of his duties, may take charge of any vessel, except pleasure or fishing vessels, or a vessel of one hundred and fifty registered or enrolled tons and under and shall pilot such vessel into and out of the river and harbor of the Piscataqua, first showing to the master thereof his appointment if requested.

350:3 Pilot Required. Amend RSA 271-A by inserting after section 7 the following new section: **271-A:7-a Pilots Required.** All vessels except pleasure or fishing vessels or vessels of one hundred and fifty registered or enrolled tons or under are hereby required to be piloted by a pilot into and out of the Piscataqua river and harbor from a point south of a line drawn east and west from Whale's-back lighthouse.

350:4 Repeal. RSA 271-A:7 as amended by 1956, 262:1 relative to fees of pilot is hereby repealed.

350:5 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 351.

AN ACT AUTHORIZING AN EXTENSION OF CERTAIN APPROPRIATIONS FOR THE WATER RESOURCES BOARD.

Be it Enacted by the Senate and House of Representatives in General Court convened:

351:1 Water Resources Board. The appropriation provided for capital improvements for the water resources board by Laws of 1965, chapter 281, section 1, paragraph X as extended for use by Laws of 1967, chapter 394, section 15, shall be available for expenditure until June 30, 1971.

351:2 Effective Date. This act shall take effect upon its passage.

[Approved June 30, 1969.]

[Effective date June 30, 1969.]

CHAPTER 352.**AN ACT PROVIDING FOR THE ASSESSMENT AND COLLECTION OF A SPECIAL
HEAD TAX FOR STATE PURPOSES.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

352:1 Special Head Tax. There is hereby levied and assessed in 1969 and 1970 for the use of the state a special head tax of five dollars upon each and every resident of the state, as defined herein, over twenty-one and under sixty-eight years of age.

352:2 Resident Defined. The word "resident" as used herein means a person, whether a citizen or an alien, except paupers and insane persons, who has resided in this state for at least six months next preceding the date of each assessment of the head tax hereunder.

352:3 Time of Payment. The head tax shall be assessed upon July 1, 1969, and April 1, 1970, and payable upon demand on or after each of said dates.

352:4 Collection. The selectmen of towns and assessors of cities shall on or before August 1, 1969 and June 1, 1970, make a list of all head taxes by them assessed against residents of their respective towns and cities and commit the list together with a warrant under their hands and seals to the collector of taxes for such town or city directing the collector to collect the head taxes on or before December first next following and to keep the head taxes in a special account, and monthly, or oftener to pay the head taxes over to the town or city treasurer as the taxes are collected. Upon receipt of the original head tax warrant in each year the collector shall forthwith certify to the state treasurer, upon a form prescribed and provided by the state treasurer, the total amount of the taxes received. Upon application by the assessors the tax commission for good cause may extend the time for delivery of the head tax warrant.

352:5 Penalty. There shall be added to any special head tax not paid in full on or before December first following the assessment of the head tax the sum of fifty cents which shall be collected with the tax as incident to the head tax.

352:6 Remedies for Collection. The special head taxes may be collected by all of the means and methods provided in RSA 80 and the provisions of RSA 214:11-a as inserted by 1967, 414:1, RSA 214:12 as amended by 1967, 414:2 and RSA 260:4-6 as amended by 1955, 39:1, 2, 50:17, 125:1 and 1957, 13:1, 2 shall apply to the special head tax assessed under this act.

352:7 Husband Liable. A husband shall be liable for the payment of the special head tax assessed against his wife, if, when it was assessed, they were living together.

352:8 Liability of Cities and Towns. Each town and city shall be liable to the state for all special head taxes lawfully assessed in such town or city.

352:9 Payment to State. On or before the fifteenth day of the months of October, January, April and July each town and city shall cause its tax collector to certify such information as the state treasurer shall require, and

shall cause its treasurer to pay over to the state treasurer all special head taxes and penalties collected during the preceding three months after first deducting ten per cent of the head taxes collected. Such deduction shall be for the use of the town or city to offset all expenses incurred in the assessment and collection of the special head taxes. However, in towns where the collector of taxes is paid on a part time or commission basis not less than thirty per cent of the sum so deducted shall be paid to the collector for his services in collecting the head taxes. If any town or city shall fail to make its payment when due, the deduction of the ten per cent to be retained by it shall be reduced by one quarter of one per cent for each week or part thereof the payment is overdue.

352:10 Final Payment. Each town and city shall cause its treasurer on the fifteenth day of June in the year following the assessment to pay to the state treasurer an amount equal to all uncollected head taxes for which the city or town is then liable, less the ten per cent deduction. However, the total deduction retained from all payments to the state treasurer shall not exceed ten per cent of the total amount of all head taxes collected, less the amount of all lawful abatements certified to the state treasurer. If the payment is not made as provided in this section the state treasurer shall withhold the amount of any head taxes and penalties due to the state for which the town or city may be liable, from any amounts payable by the state to the city or town failing to make the payments of head taxes. The state treasurer shall not pay to any city or town any amounts that may be due to it from the state until all payments of head taxes then due have been paid to him.

352:11 Extents. The state treasurer shall also issue his extent for the amounts of all head taxes and penalties which have been collected and not remitted by any town or city as provided in this act.

352:12 Abatements. Selectmen and assessors may abate any special head tax assessed against persons not subject to the tax as provided in section 1 of this chapter, and upon written application, may abate the head tax when it appears that the payment of the tax would impose an undue hardship upon the applicant. The selectmen and assessors may abate the head tax after all methods of collection provided by law have proved ineffective. They shall make a written record of all abatements made by them and certify the names, addresses and precise reasons for all abatements made because of undue hardship and inability to collect the same to the tax commission for review. If, upon review, the tax commission decides that the abatement should not have been made, it shall disallow the abatement and upon notice thereof the town shall pay to the state the amount of all abatements so disallowed.

352:13 Supplementary Bond of Collector. Whenever the tax commission considers it necessary, a collector of taxes or town manager may be required to furnish a further and additional bond beyond that required by other provisions of law, with sureties, in such form and amount as the commission may approve. The premiums shall be paid by the state.

352:14 Supplies, Bills and Postage. The tax commission shall provide each city and town, without charge, printed tax bills, envelopes, postage, or

postal cards, and other supplies, to be used in assessing and collecting the special head taxes and in keeping the necessary records relating thereto. It may reimburse any city or town in which it seems more practicable and advisable for the city or town to obtain its own supplies, materials and postage, for the cost thereof, if the purchase of such supplies, materials and postage by city or town has been previously approved by the tax commission. The expenses incurred or reimbursements authorized by the tax commission under this section and for supplemental bonds required under section 13 of this act shall be a charge against the funds collected by the state under these provisions.

352:15 Exemptions. All persons on active duty in the armed forces of the United States of America on the date of assessment shall be exempt from payment of the special head tax. Veterans totally and permanently disabled from service connection who are drawing federal compensation or pension and whose income, exclusive of said compensation or pension, is less than one thousand dollars a year, upon written request filed on or before July 15, 1969 and April 15, 1970, shall be exempt from the special head tax.

352:16 Disposition of Taxes. All funds received by the state treasurer under the provisions hereof, less costs of collection as provided in sections 9 and 14, shall be deposited in the general funds of the state.

352:17 Refund of Tax Paid. If it appears that a person has paid a head tax for which he was not liable and the tax has been paid to the state treasurer by the town or city where it was collected, the state treasurer, after investigation by the tax commission, upon order of the tax commission, shall pay to the person who paid the tax the amount of the tax paid, provided application therefor is made to the tax commission on or before June thirtieth in the year next following the date of assessment.

352:18 Application of Statutes. No person obtaining an abatement under section 12 of this act shall for that action be precluded from voting under section 1 of chapter 54 RSA.

352:19 Effective Date. This act shall take effect as of July 1, 1969.
[Approved July 1, 1969.]
[Effective date July 1, 1969.]

CHAPTER 353.

AN ACT RELATIVE TO PURCHASE OF REGISTERED MAIL INSURANCE BY THE STATE TREASURER AND RELATIVE TO REGISTRATION OF SECURITIES OF THE
STATE RETIREMENT SYSTEM.

Be it Enacted by the Senate and House of Representatives in General Court convened:

353:1 Purchase of Insurance. Amend RSA 6 by inserting after section 4 the following new section: **6:4-a Insurance.** He may procure registered mail, certified mail or other shipping insurance to protect the state against losses, due to fire or other casualty, of negotiable securities shipped or mailed from and by the treasurer's office.

353:2 Retirement System. Amend RSA 100-A (supp) as inserted by 1967, 134:1 by inserting after section 2 the following new section: **100-A:2-a Registration of Securities.** Notwithstanding the provisions of section 2 the board of trustees may cause any stock or other securities to be registered and held in the name of a nominee without mention of the retirement system's ownership, provided that (1) the records of the retirement system clearly show the ownership of the stock or other securities, and (2) the nominee shall not have possession of, or access to, the stock certificates or other securities.

353:3 Effective Date. This act shall take effect upon passage.

[Approved July 1, 1969.]

[Effective date July 1, 1969.]

CHAPTER 354.

AN ACT RELATIVE TO CERTAIN CHANGES IN THE NEW HAMPSHIRE RETIREMENT SYSTEM AND STATE EMPLOYEES' RETIREMENT SYSTEM.

Be it Enacted by the Senate and House of Representatives in General Court convened:

354:1 Earnable Compensation Under State Employees' Retirement System Redefined. Amend RSA 100:1, XI as amended by 1959, 208:1 by striking out in lines one and two the words "full base rate of compensation paid to an employee" and inserting in place thereof the following (rate of compensation payable to an employee on the first full payroll period of a new fiscal year, except that any change in job classification shall be taken into account as of the first full payroll period following such change in job classification) so that said paragraph as amended shall read as follows: XI. "Earnable compensation" shall mean the rate of compensation payable to an employee on the first full payroll period of a new fiscal year, except that any change in job classification shall be taken into account as of the first full payroll period following such change in job classification. In cases where compensation includes maintenance, the board of trustees shall fix the value of that part of the compensation not paid in money. Notwithstanding the foregoing, the earnable compensation of a member whose compensation is reduced for any reason shall, at the election of the member made at the time of such reduction, be deemed for the purpose of the retirement system to be continued at the higher rate. Such election shall be irrevocable.

354:2 Earnable Compensation Under New Hampshire Retirement System Redefined. Amend RSA 100-A:1, XVII (supp) as inserted by 1967, 134:1 and amended by 1967, 405:1 by striking out in lines one through five the following "the full base rate of compensation paid to an employee, teacher, permanent policeman or permanent fireman, plus any longevity and holiday pay, plus, in the case of teachers, such additional amounts as may be paid for extra-curricular educational activities or cost-of-living bonus" and inserting in place thereof the following (for an employee and teacher the rate of compensation payable to such member on the first full payroll period

of a new fiscal year, except that any change in job classification shall be taken into account as of the first full payroll period following such change in job classification, plus, in the case of teachers, such additional amounts as may be paid for extra-curricular educational activities or cost-of-living bonus, and shall mean for a fireman or policeman the full base rate of compensation paid to a permanent fireman or permanent policeman, plus any longevity and holiday pay) so that said paragraph as amended shall read as follows: XVII. "Earnable compensation" shall mean for an employee and teacher the rate of compensation payable to such member on the first full payroll period of a new fiscal year, except that any change in job classification shall be taken into account as of the first full payroll period following such change in job classification, plus, in the case of teachers, such additional amounts as may be paid for extra-curricular educational activities or cost-of-living bonus, and shall mean for a fireman or policeman the full base rate of compensation paid to a permanent fireman or permanent policeman, plus any longevity and holiday pay. In cases where compensation includes maintenance the board of trustees shall fix the value of that part of the compensation not paid in money. Notwithstanding the foregoing, in the case of employees or teachers, the earnable compensation of a member whose compensation is reduced for any reason shall, at the election of the employee or teacher made at the time of such reduction, be deemed for the purposes of the retirement system to be continued at the higher rate. Such election shall be irrevocable.

354:3 Eligibility for Membership. Amend RSA 100-A:3 (supp) as inserted by 1967, 134:1 and amended by 1967, 405:3 by inserting after paragraph III the following new paragraph: III-a. A state employee will not be eligible for membership until he shall have completed six months service with the state. However, should such an employee die or become accidentally disabled during this period, he shall be entitled to all the rights and benefits of a member. Upon completion of six months service, an employee shall have the opportunity to make an election to receive credit for the prior six months service if he so desires. In order to receive credit for this prior service, it will be necessary for him to make payment to the board of trustees of assessments which would have been assessed against him had he been a member. If payment is not made to the board within thirty days after completion of six months service, then the member will not be entitled to receive credit for prior service.

354:4 Interest on Unpaid Remittances. Amend RSA 100-A:16 (supp) as inserted by 1967, 134:1 by inserting after paragraph IV the following new paragraph: V. Notwithstanding any other provision of law, any member contributions deducted by an employer, or any employer assessments or contributions not remitted at the times designated by the board of trustees, shall be subject to interest on the amount due at the rate of one-half of one percent for each month or fraction thereof that they remain unpaid. For reasonable cause, the board may abate all or any part of the interest.

354:5 Effective Date. This act shall take effect July 1, 1969.

[Approved July 1, 1969.]

[Effective date July 1, 1969.]

CHAPTER 355.

AN ACT RELATING TO CERTAIN VOCATIONAL REHABILITATION PROGRAMS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

355:1 State Matching Funds. Amend RSA 200-C:3 (supp) as inserted by 1967, 417:1 by striking out in line three the word "twenty-five" and inserting in place thereof the word (twenty) so that said section as amended shall read as follows: **200-C:3 State Matching Funds.** The federal funds anticipated under this chapter are to match local funds on the basis of a local matching share of twenty per cent of the total expenditure of funds provided for by the federal legislation and the approved state plan of the division of vocational rehabilitation. The funds made available to the division of vocational rehabilitation by any state agency or subdivision of the state or agency thereof in the form of use of personnel or facilities or in other ways, may be construed as state matching funds if federal laws or the regulations of the federal agency authorize such a construction.

355:2 Unnecessary Wording Eliminated. Amend RSA 200-C:4 (supp) as inserted by 1967 417:1 by striking out in lines ten, eleven, twelve, and thirteen the words "The governor and council may transfer funds within the programs authorized by this chapter, and from program to program, to provide for the maximum utilization of any funds available for the vocational rehabilitation programs authorized under this chapter" so that said section as amended shall read as follows: **200-C:4 Expansion of Programs.** It is the intent of the general court that the vocational rehabilitation program of cooperative agreements may be expanded as additional federal funds become available. In furtherance of this intent, the commissioner of education or his delegate may expand any agreements or enter into new agreements with any other departments or agencies of the state, subdivisions of the state, or agencies of either, under this chapter, and may expand any agreements or enter into new agreements with any federal agency charged with the distribution of funds for the vocational rehabilitation program, as federal funds become available for the program.

355:3 Additional Personnel. Amend RSA 200-C:5 (supp) as inserted by 1967, 417:1 by inserting in line one after the word "if" the word (additional) by inserting in line two after the word "the" the word (additional) and inserting in line six after the word "positions" the following (beyond those authorized by RSA 200-C and 1967, 417:2 as amended) so that said section as amended shall read as follows: **200-C:5 Additional Personnel.** If additional federal funds become available and the additional state matching funds as they are construed under this chapter become available, and if the federal agency approves of a new program under this chapter, and on the request of the commissioner of education or his authorized delegate, the governor and council may approve additional positions beyond those authorized by RSA 200-C and 1967, 417:2 as amended for personnel to operate the programs and to fulfill the cooperative working agreements entered into by the division.

355:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 1, 1969.]

[Effective date August 30, 1969.]

CHAPTER 356.

AN ACT RELATIVE TO COMPULSORY SCHOOL ATTENDANCE, DUAL ENROLLMENT AND SUSPENSION OF PUPILS AND DUTY OF SCHOOL BOARD TO PROVIDE EDUCATION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

356:1 Attendance Requirements; Dual Enrollment. Amend RSA 193 by inserting after section 1 the following new section: **193:1-a Dual Enrollment.** Notwithstanding any other provision of the law, the full-time attendance requirement may be met by attendance at more than one school provided the total time spent in the schools is equivalent to full-time attendance and further that the attendance at more than one school may include attendance at a nonpublic school provided that the school district and the state board of education have given prior approval to the detailed dual enrollment agreement, which is to be effectuated for this purpose.

356:2 Appeal of Assignment to Special School. Amend RSA 193:3 by striking out said section and inserting in place thereof the following: **193:3 Change of School or Assignment; Excusing Attendance.** Any person having custody of a child may apply to the school board for relief if he thinks the attendance of the child to the school or special class for handicapped children to which he has been assigned will result in a manifest hardship to the child and, if the person having custody of the child is aggrieved by the decision of the school board, he may apply to the state board of education and the state board of education, after investigating the case and giving notice to the school board, may order such child to attend another school in the same district if such a school is available, or to attend school in another district. In case the child shall be assigned to attend school in another district the district in which such child resides shall pay to the district in which such child attends tuition computed as provided in section 4 hereof. The state board of education may also permit such child to withdraw from school attendance for such time as it may deem necessary or proper or make such other orders with respect to the attendance of such child at school as in its judgment the circumstances require. The decision of the state board shall be final and binding.

356:3 Exemption From Attendance Under Age Sixteen. Amend RSA 193:5 by striking out in lines two and three the words "above the age of fourteen" so that said section as amended shall read as follows: **193:5 Exemption From Attendance.** Whenever it shall appear to the superintendent of schools that the welfare of any child will be best served by the withdrawal of such child from school, he or a majority of the members of the school board shall make recommendation to the commissioner of education, who shall, if the facts warrant it, make an order exempting such child from attendance for such period of time as seems best for the interest of such child.

356:4 Notice of Attendance Requirements. Amend RSA 193:8 by striking out in line two the word "seven" so that said section as amended shall read as follows: **193:8 Notice of Requirements.** The school board of every district shall cause a copy of the preceding sections to be sent to every person who they have reason to believe does not comply with the requirements thereof.

356:5 Suspension of Pupils. Amend RSA 193:13 by striking out said section and inserting in place thereof the following: **193:13 Suspension and Dismissal of Pupils.** The superintendent is authorized to suspend pupils from school for gross misconduct, providing that where there is a suspension lasting beyond five school days, the parent or guardian has the right to appeal any such suspension to the local board. Any suspension to continue beyond twenty school days must be approved by the local board. Any pupil may be dismissed from school by the local school board for gross misconduct or for neglect or refusal to conform to the reasonable rules of the school and said pupil shall not attend school until restored by the local board. Any dismissal must be subject to review if requested prior to the start of each school year and further, any parent or guardian has the right to appeal any such dismissal by the local board to the state board of education.

356:6 Assignment to Schools. Amend RSA 193:14 by striking out in line three the words "in the district" so that said section as amended shall read as follows: **193:14 Assignment of Pupils to Schools.** No pupil who shall have been assigned to a particular school by the school board shall attend any other school until assigned thereto.

356:7 Sentence for Nonattendance. Amend RSA 193:18 by striking out in line four the words "some school kept in the district" and inserting in place thereof the following (a school assigned by the local school board) so that said section as amended shall read as follows: **193:18 — Suspension of Sentence.** Any offender so convicted may give bond to the district in the sum of twenty-five dollars, with sufficient sureties, approved by the court or justice before whom he was convicted, conditioned to attend regularly a school assigned by the local school board for one term next ensuing, to comply with the regulations thereof, and to be obedient and respectful to the teacher, and his sentence may be suspended.

356:8 Right of Attendance. Amend RSA 193:18-b as inserted by 1955, 227:1 and amended by 1955, 263:1 and 1961, 250:1 by striking out in line three after the word "schools" the word "in" and inserting in place thereof the word (of) so that said section as amended shall read as follows **193:18-b Right of Attendance.** Whenever any child is placed and cared for in any home for children, such child, if of school age, shall be entitled to attend the public schools of the school district in which said home is located, unless such placement was solely for the purpose of enabling a child residing outside said district to attend the schools thereof. For the purpose of computing foundation aid in accordance with RSA 198:8-12 for the fiscal years 1961-62 and 1962-63, children placed in "homes for children" in the second preceding year shall be credited in average daily membership to the district in which said home was located.

356:9 Nongraduating Pupil. Amend RSA 194 by inserting after section 27 the following new section: **194:27-a Tuition Liability for Nongraduating Pupils.** A pupil who has attended a high school, or schools of corresponding grades, for such time as is usually required and who has not been graduated may be required to certify to the school board of the district liable for the pupil's tuition that he will make the effort required to profit from his attendance before he is entitled to any further tuition pay-

ments on his behalf. The school board of the district liable for tuition for any such pupil may refuse tuition for such pupil when it has been determined that such pupil is grossly neglecting his school work. A decision of the board to refuse tuition under such circumstances stands, subject only to review by the state board of education. The decision of the state board of education is binding and final on both the district and the pupil. Nothing in this section shall be construed to prevent a school board from making tuition payments beyond the time usually required for the completion of a high school program if in the board's judgment it is desirable to extend the educational opportunity for a pupil.

356:10 Duty of School Board. Amend RSA 189 by inserting after section 1 the following new section: **189:1-a Duty to Provide Education.** It shall be the duty of the school board to provide, at district expense, elementary and secondary education to all pupils under twenty-one years of age who reside in the district, provided that the board may exclude specific pupils for gross misconduct or for neglect or refusal to conform to the reasonable rules of the school, and further provided that this section shall not apply to pupils who have been exempted from school attendance in accordance with RSA 193:5.

356:11 Repeal. RSA 194:29 and 30 relative to the duty to provide junior high schools are hereby repealed.

356:12 Effective Date. This act shall take effect July 1, 1969.

[Approved July 1, 1969.]

[Effective date July 1, 1969.]

CHAPTER 357.

AN ACT ESTABLISHING THE COMMITTEE ON LEGISLATOR ORIENTATION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

357:1 New Chapter. Amend RSA by inserting after chapter 17-B (supp) the following new chapter:

Chapter 17-C

Committee on Legislator Orientation

17-C:1 Establishment and Functions. There is hereby established the continuing committee on legislator orientation whose function it shall be:

I. To prepare and print a legislator's manual prior to November in the even numbered years which shall consider but not be limited to the following: The house rules, the joint house and senate rules, suggested rules for procedure of legislative committees, a map of Concord, floor plans of state house, a department directory, parking, the procedure for filing a bill, the location of committee rooms, an explanation of the telephone system, a roster of members, food and lodging locations, rules on mileage, tax status of mileage, caucuses, election of certain officers, election of attaches, events

on the first day of the session, salary payments, state library facilities, legislative services, and a brief sketch of parliamentary procedures.

II. To prepare and run a legislator's orientation program primarily for new legislators which shall be held in Concord between the date of election and the date the new session convenes.

17-C:2 Membership. The committee is composed of three members of the house of representatives appointed by the speaker of the house, two members of the senate appointed by the president of the senate, the clerks of both houses, the president of the senate, the speaker of the house and the director of legislative services or his designee. A chairman shall be elected by the members of the commission.

17-C:3 Compensation. The members of said committee shall serve without compensation. All the legislative members of the committee, when engaged on business of the committee, shall receive legislative mileage.

357:2 Costs of Printing Manual. The cost of printing the legislator's manual shall be a charge against legislative printing.

357:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 1, 1969.]

[Effective date August 30, 1969.]

CHAPTER 358.

AN ACT RELATIVE TO THE ENTRY OF JUDGMENTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

358:1 Civil Actions. Amend 524:1-b (supp) as inserted by 1957, 201:1 and amended by 1963, 293:1, 1967, 407:1 and 1969, 187:2 by striking out said section and inserting in place thereof the following: **524:1-b Interest from Date of Writ.** In all other civil proceedings at law or in equity in which a verdict is rendered or a finding is made for pecuniary damages to any party, whether for personal injuries, for wrongful death, for consequential damages, for damage to property, business or reputation, for any other type of loss for which damages are recognized, there shall be added forthwith by the clerk of court to the amount of damages interest thereon from the date of the writ or the filing of the petition to the date of such verdict or finding even though such interest brings the amount of the verdict or findings beyond the maximum liability imposed by law.

358:2 Judgments. Amend RSA 524 by inserting after section 1-b (supp) the following new section: **524:1-c Entry of Judgment.** Upon a general verdict of a jury, or upon a decision by the court, that a party shall recover only a sum certain or costs or that all relief shall be denied, the clerk, unless the court otherwise orders, shall forthwith, sign, and enter the judgment upon motion of the prevailing party without awaiting any direction by the court. In all other civil cases, the court shall promptly approve the form of

the judgment, and the clerk shall thereupon enter it as of the judgment day next following the return of verdict or filing of findings. The entry of judgment shall not prejudice the rights of any party to undertake further proceedings in the same cause on the basis of exceptions previously preserved.

358:3 Effective Date. This act shall take effect August 1, 1969, and shall govern all proceedings arising out of injuries sustained on and after its effective date.

[Approved July 1, 1969.]

[Effective date August 1, 1969 and shall govern all proceedings arising out of injuries sustained on and after its effective date.]

CHAPTER 359.

AN ACT RELATIVE TO TIMELY FILING AND PAYING OF TAXES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

359:1 Timely Filing. Amend RSA 80 by inserting after section 54 the following new section:

80:55 Timely Mailing.

I. General Rule. Any report, claim, tax return, statement and other document, relative to tax matters, required or authorized to be filed with or any payment made to the state or to any political subdivision thereof which is:

(a) Transmitted through the United States mail, shall be deemed filed and received by the state or political subdivision on the date shown by the post office cancellation mark stamped upon the envelope or other appropriate wrapper containing it;

(b) Mailed but not received by the state or political subdivision or where received and the cancellation mark is illegible, erroneous, or omitted, shall be deemed filed and received on the date it was mailed if the sender establishes by competent evidence that the report, claim, tax return, statement, remittance, or other document was deposited in the United States mail on or before the date due for filing; and in cases of such nonreceipt of a report, tax return, statement, remittance, or other document required by law to be filed, the sender files with the state or political subdivision a duplicate within thirty days after written notification is given to the sender by the state or political subdivision of its nonreceipt of such report, tax return, statement, remittance, or other document.

II. Registered Mail, Certified Mail, Certificate of Mailing. If any report, claim, tax return, statement, remittance, or other document is sent by United States registered mail, certified mail or certificate of mailing, a record authenticated by the United States post office of such registration, certification or certificate shall be considered competent evidence that the report, claim, tax return, statement, remittance or other document was mailed, and the date of registration, certification or certificate shall be deemed the post-marked date.

III. Saturdays, Sundays, and Legal Holidays. If the date for filing any report, claim, tax return, statement remittance, or other document falls upon a Saturday, Sunday or legal holiday, the filing shall be considered timely if performed on the next business day.

IV. Exception. The provisions of this section shall not apply to payment or remittance for tax sales, the advertisement of tax sales, tax sale redemptions or payment of subsequent taxes thereon.

359:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 1, 1969.]

[Effective date August 30, 1969.]

CHAPTER 360.

AN ACT RELATIVE TO THE AVAILABILITY OF CHECKLISTS TO THE PUBLIC.

Be it Enacted by the Senate and House of Representatives in General Court convened:

360:1 Checklists. Amend RSA 55 by inserting after section 20 the following new section: **55:20-a Copies Available.** After each presidential election the supervisors of the checklist in the towns, and corresponding officers in the cities, shall furnish to any person requesting the same a copy of the checklist which was used in said election without the voting marks thereon, and with or without party designations at the discretion of said supervisors or corresponding officers, upon payment of a reasonable fee, for the use of the town or city, to be set by said supervisors or corresponding officers.

360:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 1, 1969.]

[Effective date August 30, 1969.]

CHAPTER 361.

AN ACT RELATIVE TO COUNTING OF ABSENTEE BALLOTS IN MUNICIPALITIES USING VOTING MACHINES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

361:1 Counting of Absentee Ballots in Municipalities Using Voting Machines. Amend RSA 60 by inserting after section 8 (supp) the following new sections:

60:8-a Municipalities Using Voting Machines. Notwithstanding any other provisions of law, the election officials of a municipality which uses

voting machines in an election may process and count absentee ballots at any time from the opening to the closing of polling places on the day of any election at which absentee ballots are allowed, and may continue to process and count such ballots until such processing and counting are completed.

60:8-b — Nondisclosure by Election Officials. Election officials who conduct a count pursuant to section 8-a shall not disclose the results of said count to any person before the closing of the polling place.

60:8-c — Absentee Ballots — Cutoff. The clerk of a municipality which uses voting machines in an election shall not issue any application for absentee ballot forms after 11 a.m. on election day, nor shall he accept any completed absentee ballot delivered to him by any means other than the United States mail after 12 noon on election day. The clerk shall deliver all properly submitted absentee ballots to the proper polling places as expeditiously as his duties permit.

361:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 1, 1969.]

[Effective date August 30, 1969.]

CHAPTER 362.

AN ACT RELATIVE TO POULTRY INSPECTION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

362:1 New Chapter. Amend RSA by inserting after chapter 428-A (supp) the following new chapter:

Chapter 428-B

Poultry Inspection

428-B:1 Applicability of Other Provisions. The procedure for poultry inspection, as well as the rights and duties of those parties involved in such inspection, shall be substantially that prescribed by RSA 428-A, provided, that the applicability of said chapter shall be subject to any contrary provisions contained hereunder.

428-B:2 Definitions. As much as possible, all of the definitions in regard to procedures and rules for the buying, selling and handling of meat products, as provided under RSA 428-A:2, shall apply to the buying, selling and handling of poultry products under this chapter. In addition, the following terms shall have the following meanings:

I. The term "Federal Poultry Products Inspection Act" means the act so entitled approved August 28, 1957 (71 Stat. 441), as amended by the Wholesome Poultry Products Act (82 Stat. 791).

II. The term "container" or "package" includes any box, can, tin, cloth, plastic, or other receptacle, wrapper, or cover.

III. The term "poultry" means any domesticated bird, whether alive or dead.

IV. The term "shipping container" means any container used or intended for use in packaging the product packed in an immediate container.

V. The term "immediate container" includes any consumer package, or any other container in which poultry products, not consumer packaged, are packed.

VI. The term "official establishment" means any establishment as determined by the commissioner at which inspection of slaughter of poultry, or the processing of poultry products, is maintained under the authority of this chapter.

428-B:3 Federal-State Cooperation.

I. The department of agriculture is hereby designated as the state agency which shall be responsible for cooperating with the Secretary of Agriculture of the United States under the provisions of section 5 of the Federal Poultry Products Inspection Act and such agency is directed to cooperate with the Secretary of Agriculture of the United States in developing and administering the poultry products inspection program of this state under this chapter to assure that no later than August 18, 1970, the state requirements will be at least equal to those imposed under sections 1-4, 6-10, and 12-22 of the Federal Poultry Products Inspection Act and in developing and administering the program of this state under section 10 of this chapter in such a manner as will effectuate the purposes of such chapter and said Federal Act.

II. In such cooperative efforts, the commissioner is authorized to accept from said secretary advisory assistance in planning and otherwise developing the state program, technical and laboratory assistance and training, including necessary curricular and instructional materials and equipment, and financial and other aid for administration of such a program.

428-B:4 Intrastate Commercial Control. In addition to the prohibitions provided by RSA 428-A:10, no person, firm, or corporation shall, with respect to poultry, meat or meat products of any such animals;

I. Sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce, or from an official establishment, any slaughtered poultry from which the blood, feathers, feet, head, or viscera have not been removed in accordance with regulations promulgated by the state veterinarian, except as may be authorized by regulations of the commissioner;

II. Use to his own advantage, or reveal other than to authorized representatives of the state or any other government, in their official capacity, or as ordered by a court in any judicial proceeding, any information acquired under the authority of this chapter concerning any matter which is entitled to protection as a trade secret.

428-B:5 Exemptions and Exceptions.

I. In addition to the exemptions and exceptions enumerated in RSA 428-A:16 the state veterinarian shall, by regulation and under such condi-

tions, including requirements, as to sanitary standards, practices, and procedures as he may prescribe, exempt from specific provisions of this chapter with respect to processing of poultry or poultry products solely for intrastate commerce and distribution of poultry or poultry products only in such commerce;

(a) retail dealers with respect to poultry products sold directly to consumers in individual retail stores, if the only processing operation performed by such retail dealers is the cutting up of poultry products on the premises where such sales to consumers are made;

(b) for such period of time as the state veterinarian determines that it would be impracticable to provide inspection and the exemption will aid in the effective administration of this chapter, any person engaged in the processing of poultry or poultry products and the poultry or poultry products processed by such person: provided, however, that no such exemption shall continue in effect more than one hundred and twenty days after enactment of this chapter;

(c) persons slaughtering, processing, or otherwise handling poultry or poultry products which have been or are to be processed as required by recognized religious dietary laws, to the extent that the state veterinarian determines necessary to avoid conflict with such requirements while still effectuating the purposes of this chapter;

(d) the slaughtering by any person of poultry of his own raising, and the processing by him and transportation of the poultry products exclusively for use by him and members of his household and his nonpaying guests and employees;

(e) the custom slaughter by any person of poultry delivered by the owner thereof for such slaughter, and the processing by such slaughterer and transportation of the poultry products exclusively for use, in the household of such owner, by him and members of his household and his nonpaying guests and employees: provided, that such custom slaughterer does not engage in the business of buying or selling any poultry products capable of use as human food;

(f) the slaughtering and processing of poultry products by any poultry producer on his own premises with respect to sound and healthy poultry raised on his premises and the distribution by any person of the poultry products derived from such operations, if, in lieu of other labeling requirements, such poultry products are identified with the name and address of such poultry producer, and if they are not otherwise misbranded, and are sound, clean, and fit for human food when so distributed; and

(g) the slaughtering of sound and healthy poultry or the processing of poultry products of such poultry by any poultry producer or other person for distribution by him directly to household consumers, restaurants, hotels, and boarding houses, for use in their own dining rooms, or in the preparation of meals for sales direct to consumers, if, in lieu of other labeling requirements, such poultry products are identified with the name and address of the processor, and if they are not otherwise misbranded and are sound, clean, and fit for human food when distributed by such processor.

II. In addition to the specific exemptions authorized in paragraph I, the state veterinarian shall, when he determines that the protection of con-

sumers from adulterated or misbranded poultry products will not be impaired by such action, provide by regulation, consistent with paragraph III for the exemption of the operation and products of small enterprises (including poultry producers), not exempted under subparagraph (a), which are engaged in slaughtering and/or cutting up poultry for distribution as carcasses or parts thereof, solely for distribution within this state, from such provisions of this chapter as he deems appropriate, while still protecting the public from adulterated or misbranded products, under such conditions, including sanitary requirements, as he shall prescribe to effectuate the purposes of this chapter.

III. The exemptions provided for in subparagraphs I (e) and (f) above shall not apply if the poultry producer or other person engages in the current calendar year in the business of buying or selling any poultry or poultry products other than as specified in such subparagraphs. No exemption under subparagraph I (e) or (f) or paragraph II shall apply to any poultry producer or other person who slaughters or processes the products of more than five thousand turkeys or an equivalent number of poultry of all species in the current calendar year (four birds of other species being deemed the equivalent of one turkey).

IV. The provisions of this chapter requiring inspection shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments, if no poultry or poultry products are processed at the establishment for distribution outside this state or otherwise subject to inspection under the Federal Poultry Products Inspection Act.

V. The provisions of this chapter shall not apply to poultry producers with respect to poultry of their own raising on their own farms if:

(a) such producers slaughter not more than two hundred and fifty turkeys, or not more than an equivalent number of birds of all species during the calendar year for which this exemption is being determined (four birds of other species being deemed the equivalent of one turkey);

(b) such poultry producers do not engage in buying or selling poultry products other than those produced from poultry raised on their own farms; and

(c) such poultry moves only in intrastate commerce.

VI. The adulteration and misbranding provisions of this chapter, other than the requirement of the inspection legend, shall apply to articles which are exempted from inspection under this section, except as otherwise specified under paragraphs I, II, or V.

VII. The state veterinarian may by order suspend or terminate any exemption under paragraph I or II of this section with respect to any person whenever he finds that such action will aid in effectuating the purposes of this chapter.

428-B:6 Entry of Materials Into Official Establishment. The state veterinarian may limit the entry of poultry products and other materials

into any official establishment, under such conditions as he may prescribe to assure that allowing the entry of such articles into such inspected establishments will be consistent with the purposes of this chapter.

428-B:7 Application of Federal Poultry Products Inspection Act. The requirements of this chapter shall apply to persons, establishments, poultry, poultry products and other articles regulated under the Federal Poultry Products Inspection Act only to the extent provided for in section 23 of said federal act.

428-B:8 Costs of Inspection; Limitation. The cost of inspection rendered under the requirements of this chapter, shall be borne by this state, except that the cost of overtime and holiday work performed in establishments subject to the provisions of this chapter, at such rates as the commissioner of agriculture may determine shall be borne by such establishments. Sums received by the commissioner in reimbursement for sums paid out by him for such premium pay work shall be available without fiscal year limitation to carry out the purposes of this section.

362:2 Effective Date. This act shall take effect sixty days after its passage, provided, that no poultry slaughterer, poultry packer, processor, buyer or seller shall be required to comply with the provisions of RSA 428-B until January 1, 1970.

[Approved July 1, 1969.]

[Effective date August 30, 1969, provided, that no poultry slaughterer, poultry packer, processor, buyer or seller shall be required to comply with the provisions of RSA 428-B until January 1, 1970.]

CHAPTER 363.

AN ACT TO ESTABLISH A MEAT INSPECTION SERVICE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

363:1 New Chapter. Amend RSA by inserting after chapter 428 the following new chapter:

Chapter 428-A Meat Inspection

428-A:1 Declaration of Policy. Meat and meat food products are an important source of the nation's total supply of food. It is essential in the public interest that the health and welfare of consumers be protected by assuring that meat and meat food products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged. Unwholesome, adulterated, or misbranded meat or meat food products are injurious to the public welfare, destroy markets for wholesome, not adulterated, and properly labeled and packaged meat and meat food products, and result in sundry losses to livestock producers and processors of meat and meat food products, as well as injury to consumers. The unwholesome, adulterated, mislabeled, or deceptively packaged articles can be sold at

lower prices and compete unfairly with the wholesome, not adulterated, and properly labeled and packaged articles, to the detriment of consumers and the public generally. It is hereby found that regulation by the commissioner and cooperation by this state and the United States as contemplated by this chapter are appropriate to protect the health and welfare of consumers and otherwise effectuate the purposes of this chapter.

Inspection Requirements; Adulteration and Misbranding

428-A:2 Definitions. As used in this chapter, except as otherwise specified, the following terms shall have the meanings stated below:

I. The term "commissioner" means the commissioner of agriculture or his delegate.

II. The term "firm" means any partnership, association, or other unincorporated business organization.

III. The term "meat broker" means any person, firm, or corporation engaged in the business of buying or selling carcasses, parts of carcasses, meat, or meat food products of cattle, sheep, swine, goats, horses, mules, or other equines on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person, firm, or corporation.

IV. The term "renderer" means any person, firm, or corporation engaged in the business of rendering carcasses, or parts or products of the carcasses, of cattle, sheep, swine, goats, horses, mules, or other equines, except rendering conducted under inspection under this subdivision of the chapter.

V. The term "animal food manufacturer" means any person, firm, or corporation engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses, or parts or products of the carcasses, of cattle, sheep, swine, goats, horses, mules, or other equines.

VI. The term "intrastate commerce" means commerce within this state.

VII. The term "meat food product" means any product capable of use as human food which is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, or goats, excepting products which contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and which are exempted from definition as a meat food product by the commissioner under such conditions as he may prescribe to assure that the meat or other portions of such carcasses contained in such product are not adulterated and that such products are not represented as meat food products. This term as applied to food products of equines shall have a meaning comparable to that provided in this paragraph with respect to cattle, sheep, swine, and goats.

VIII. The term "capable of use as human food" shall apply to any carcass, or part or product of a carcass, of any animal, unless it is denatured or otherwise identified as required by regulations prescribed by the commissioner to deter its use as human food, or it is naturally inedible by humans.

IX. The term "prepared" means slaughtered, canned, salted, rendered, boned, cut up, or otherwise manufactured or processed.

X. The term "adulterated" shall apply to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

(a) if it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quality of such substance in or on such article does not ordinarily render it injurious to health;

(b) if it bears or contains by reason of administration of any substance to the live animal or otherwise any added poisonous or added deleterious substance other than one which is

(1) a pesticide chemical in or on a raw agricultural commodity;

(2) a food additive; or

(3) a color additive which may, in the judgment of the commissioner, make such article unfit for human food;

(c) if it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;

(d) if it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;

(e) if it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act; provided, that an article which is not adulterated under subparagraph (c), (d), or (e) shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on such article is prohibited by regulations of the commissioner in establishments at which inspection is maintained under sections 2 through 17 of this chapter.

(f) if it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

(g) if it has been prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(h) if it is, in whole or in part, the product of an animal which has died otherwise than by slaughter;

(i) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(j) if it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act;

(k) if any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is; or

(l) if it is margarine containing animal fat and any of the raw material used therein consisted in whole or in part of any filthy, putrid, or decomposed substance.

XI. The term "misbranded" shall apply to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

- (a) if its labeling is false or misleading in any particular;
- (b) if it is offered for sale under the name of another food;
- (c) if it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;
- (d) if its container is so made, formed, or filled as to be misleading;
- (e) if in a package or other container unless it bears a label showing:
 - (1) the name and place of business of the manufacturer, packer, or distributor; or
- (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; provided that under subparagraph (2) of this subparagraph, reasonable variations may be permitted, and exemptions as to small packages may be established, by regulations prescribed by the commissioner;
- (f) if any word, statement, or other information required by or under authority of this chapter to appear on the label or other labeling is not prominently placed thereon with such conspicuousness as compared with other words, statements, designs, or devices, in the labeling and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;
- (g) if it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by regulations of the commissioner under section 6 of this chapter unless:
 - (1) it conforms to such definition and standard,
 - (2) its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations, the common names of optional ingredients, other than spices, flavoring, and coloring, present in such food;
- (h) if it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by regulations of the commissioner under section 6 of this act, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;
- (i) if it is not subject to the provisions of subparagraph (g), unless its label bears:
 - (1) the common or usual name of the food, if there be any, and
 - (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings may, when authorized by the commissioner, be designated as spices, flavorings, and colorings without naming each; provided that, to the extent that compliance with the requirements of subparagraph (2) of this subparagraph is impracticable, or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the commissioner;

(j) if it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the commissioner, after consultation with the secretary of agriculture of the United States, determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses;

(k) if it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; provided that, to the extent that compliance with the requirements of this subparagraph is impracticable, exemptions shall be established by regulations promulgated by the commissioner; or

(l) if it fails to bear, directly thereon or on its container, as the commissioner may by regulations prescribe, the inspection legend and, unrestricted by any of the foregoing, such other information as said commissioner may require in such regulations to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in wholesome condition.

XII. The term "label" means a display of written, printed, or graphic matter upon the immediate container (not including package liners) of any article.

XIII. The term "labeling" means all labels and other written, printed, or graphic matter:

- (a) upon any article or any of its containers or wrappers, or
- (b) accompanying such article.

XIV. The term "Federal Meat Inspection Act" means the act so entitled approved March 4, 1907, (34 stat. 1260), as amended by the Wholesome Meat Act (8 Stat. 584).

XV. The term "Federal Food, Drug, and Cosmetic Act" means the act so entitled, approved June 25, 1938 (52 Stat. 1040), and acts amendatory thereof or supplementary thereto.

XVI. The term "pesticide chemical", "food additive", "color additive", and "raw agricultural commodity" shall have the same meanings for purposes of this chapter as under the Federal Food, Drug, and Cosmetic Act.

XVII. The term "official mark" means the official inspection legend or any other symbol prescribed by regulations of the commissioner to identify the status of any article or animal under this chapter.

XVIII. The term "official inspection legend" means any symbol prescribed by regulations of the commissioner showing that an article was inspected and passed in accordance with this chapter.

XIX. The term "official certificate" means any certificate prescribed by regulations of the commissioner for issuance by an inspector or other person performing official functions under this chapter.

XX. The term "official device" means any device prescribed or authorized by the commissioner for use in applying any official mark.

428-A:3 Meat Inspection Service Established. There is created within the department of agriculture, bureau of animal industry, a meat inspection

service which is charged with the enforcement of this chapter. The state veterinarian shall be the chief of said service.

428-A:4 Examination and Inspection. For the purpose of preventing the use in intrastate commerce, as hereinafter provided, of meat and meat food products which are adulterated the commissioner shall cause to be made, by inspectors appointed for that purpose:

I. An examination and inspection of all cattle, sheep, swine, goats, horses, mules, and other equines before they shall be allowed to enter into any slaughtering, packing, meat-curing, rendering, or similar establishment in this state in which slaughtering and preparation of meat and meat food products of such animals are conducted solely for intrastate commerce:

(a) all cattle, sheep, swine, goats, horses, mules, and other equines found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other cattle, sheep, swine, goats, horses, mules, or other equines; and

(b) when so slaughtered, the carcasses of said cattle, sheep, swine, goats, horses, mules, or other equines shall be subject to a careful examination and inspection, all as provided by the rules and regulations to be prescribed by the commissioner as herein provided for.

II. A post-mortem examination and inspection of the carcasses and parts thereof of all cattle, sheep, swine, goats, horses, mules, and other equines, capable of use as human food, to be prepared at any slaughtering, meat-canning, salting, packing, rendering, or similar establishment in this state in which such articles are prepared solely for intrastate commerce:

(a) the carcasses and parts thereof of all such animals found to be not adulterated shall be marked, stamped, tagged, or labeled, as "Inspected and Passed"; and said inspectors shall label, mark, stamp, or tag as "Inspected and Condemned", all carcasses and parts thereof of animals found to be adulterated; and

(b) all carcasses and parts thereof thus inspected and condemned shall be destroyed for food purposes by the said establishment in the presence of an inspector; and

(c) said inspectors, after said first inspection shall, when they deem it necessary, reinspect said carcasses or parts thereof to determine whether since the first inspection the same have become adulterated and if any carcass or any part thereof shall, upon examination and inspection subsequent to the first examination and inspection, be found to be adulterated, it shall be destroyed for food purposes by the said establishment in the presence of an inspector; and

(d) the commissioner may remove inspectors from any establishment which fails to destroy any such condemned carcass or part thereof when the requirements of either subsection (b) or subsection (c) have not been observed.

III. An examination and inspection of all meat food products prepared in any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, where such articles are prepared solely for intrastate commerce.

428-A:5 Coverage of Inspection Provisions.

I. The provisions of section 4 shall apply to all carcasses or parts of carcasses of cattle, sheep, swine, goats, horses, mules, and other equines or the meat or meat products thereof, capable of use as human food, which may be brought into any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, where inspection under this subdivision is maintained;

II. Such examination and inspection shall be had before the said carcasses or parts thereof shall be allowed to enter into any department wherein the same are to be treated and prepared for meat food products;

III. The provisions of section 4 shall also apply to all such products which, after having been issued from any such slaughtering, meat-canning, salting, packing, rendering, or similar establishment, shall be returned to the same or to any similar establishment where such inspection is maintained.

IV. The commissioner may limit the entry of carcasses, part of carcasses, meat and meat food products, and other materials into any establishment at which inspection under this subdivision is maintained, under such conditions as he may prescribe to assure that allowing the entry of such articles into such inspected establishments will be consistent with the purposes of this chapter.

428-A:6 Access to Premises. For the purpose of any examination and inspection:

I. Inspectors shall have access at all times, by day or night, whether the establishment be operated or not, to every part of establishments subject to the provisions of this chapter;

II. Said inspectors shall mark, stamp, tag, or label as "New Hampshire inspected and passed" all such products found to be not adulterated;

III. Said inspectors shall label, mark, stamp, or tag as "New Hampshire inspected and condemned" all such products found adulterated, and all such condemned meat food products shall be destroyed for food purposes, as hereinbefore provided;

IV. The commissioner may remove inspectors from any establishment which fails to so destroy such condemned meat food products.

428-A:7 Labeling Requirements.

I. When any meat or meat food product prepared for intrastate commerce which has been inspected as hereinbefore provided and marked "New Hampshire inspected and passed" shall be placed or packed in any can, pot, tin, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this chapter is maintained, the person, firm, or corporation preparing said product shall cause a label to be attached to said can, pot, tin, canvas, or other receptacle or covering, under supervision of an inspector, which label shall state that the contents thereof have been "New Hampshire inspected and passed" under the provisions of this chapter;

II. No inspection and examination of meat or meat food products deposited or enclosed in cans, tins, pots, canvas, or other receptacle or cover-

ing in any establishment where inspection under the provisions of this chapter is maintained shall be deemed to be complete until such meat or meat food products have been sealed or enclosed in said can, tin, pot, canvas, or other receptacle or covering under the supervision of an inspector.

III. All carcasses, parts of carcasses, meat and meat food products inspected at any establishment under the authority of this chapter and found to be not adulterated, shall at the time they leave the establishment bear, in distinctly legible form, directly thereon or on their containers, as the commissioner may require, the information required under paragraph XI of section 2 of this chapter.

IV. The commissioner, whenever he determines such action is necessary for the protection of the public, may prescribe:

(a) the styles and sizes of type to be used with respect to material required to be incorporated in labeling to avoid false or misleading labeling of any articles or animals subject to this subdivision or sections 18 to 21 of this chapter;

(b) definitions and standards of identity or composition for articles subject to this subdivision and standards of fill of container for such articles not inconsistent with any such standards established under the Federal Food, Drug, and Cosmetic Act, or under the Federal Meat Inspection Act, and there shall be consultation between the commissioner and the secretary of agriculture of the United States prior to the issuance of such standards to avoid inconsistency between such standards and the federal standards.

V. No article subject to this subdivision shall be sold or offered for sale by any person, firm, or corporation, in intrastate commerce, under any name or other marking or labeling which is false or misleading, or in any container of a misleading form or size, but established trade names and other marking and labeling and containers which are not false or misleading and which are approved by the commissioner, are permitted.

VI. If the commissioner has reason to believe that any marking or labeling or the size or form of any container in use or proposed for use with respect to any article subject to this subdivision is false or misleading in any particular, he may direct that such use be withheld unless the marking, labeling, or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person, firm, or corporation using or proposing to use the marking, labeling or container does not accept the determination of the commissioner, such person, firm, or corporation may request a hearing, but the use of the marking, labeling, or container shall, if the commissioner so directs, be withheld pending hearing and final determination by the commissioner. Any such determination by the commissioner shall be conclusive unless, within thirty days after receipt of notice of such final determination, the person, firm, or corporation adversely affected thereby appeals to the superior court in compliance with RSA 541.

428-A:8 Sanitation Requirements.

1. The commissioner shall cause to be made, by experts in sanitation, or by other competent inspectors, such inspection of all slaughtering, meat-canning, salting, packing, rendering, or similar establishments in which

cattle, sheep, swine, goats, horses, mules, and other equines are slaughtered and the meat and meat food products thereof are prepared solely for intrastate commerce as may be necessary to inform himself concerning the sanitary conditions of the same;

II. The commissioner shall prescribe the rules and regulations of sanitation under which such establishments shall be maintained;

III. Where the sanitary conditions of any such establishment are such that the meat or meat food products are rendered adulterated, the commissioner shall refuse to allow said meat or meat food products to be labeled, marked, stamped, or tagged as "New Hampshire inspected and passed".

428-A:9 Times of Examination and Inspection. The commissioner shall cause an examination and inspection of all cattle, sheep, swine, goats, horses, mules, and other equines, and the food products thereof, slaughtered and prepared in the establishments hereinbefore described for the purposes of intrastate commerce to be made during the nighttime as well as during the daytime when the slaughtering of said cattle, sheep, swine, goats, horses, mules, and other equines, or the preparation of said food products is conducted during the nighttime.

428-A:10 Intrastate Commercial Control. No person, firm, or corporation shall, with respect to any cattle, sheep, swine, goats, horses, mules, or other equines, or any carcasses, parts of carcasses, meat or meat food products of any such animals;

I. Slaughter any such animals or prepare any such articles which are capable of use as human food, at any establishments preparing such articles solely for intrastate commerce, except in compliance with the requirements of this chapter;

II. Sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce:

(a) any such articles which:

(1) are capable of use as human food, and

(2) are adulterated or misbranded at the time of such sale, transportation, offer for sale or transportation, or receipt for transportation;

(b) any articles required to be inspected under this subdivision unless they have been so inspected and passed;

III. Do, with respect to any such articles which are capable of use as human food, any act while they are being transported in intrastate commerce or held for sale after such transportation, which is intended to cause or has the effect of causing such articles to be adulterated or misbranded.

428-A:11 Misuse of Official Identification Marks.

I. No brand manufacturer, printer, or other person, firm, or corporation shall cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the commissioner.

II. No person, firm, or corporation shall:

(a) forge any official device, mark, or certificate;

(b) without authorization from the commissioner use any official device, mark, or certificate, or simulation thereof, or alter, detach, deface, or destroy any official device, mark, or certificate;

(c) contrary to the regulations prescribed by the commissioner, fail to use, or to detach, deface, or destroy any official device, mark, or certificate;

(d) knowingly possess, without promptly notifying the commissioner or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label or any carcass of any animal, or part or product thereof, bearing any counterfeit, simulated, forged, or improperly altered official mark;

(e) knowingly make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations prescribed by the commissioner;

(f) knowingly represent that any article has been inspected and passed or exempted under this chapter when, in fact, it has, respectively, not been so inspected and passed or exempted.

428-A:12 Marking Kinds of Animal Meat. No person, firm, or corporation shall sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce, any carcasses or horses, mules, or other equines or parts of such carcasses, or the meat or meat food products thereof, unless they are plainly and conspicuously marked or labeled or otherwise identified as required by regulations prescribed by the commissioner to show the kinds of animals from which they were derived.

428-A:13 Separate Slaughtering. When required by the commissioner with respect to establishments at which inspection is maintained under this subdivision, such animals and their carcasses, parts thereof, meat and meat food products shall be prepared in establishments separate from those in which cattle, sheep, swine, or goats are slaughtered or their carcasses, parts thereof, meats or meat food products are prepared.

428-A:14 Inspectors: Appointment and Duties.

I. The commissioner shall appoint, from time to time, inspectors to make examination and inspection of all cattle, sheep, swine, goats, horses, mules, and other equines the inspection of which is hereby provided for, and of all carcasses and parts thereof, and of all meats and meat food products thereof, and of the sanitary conditions of all establishments in which such meat and meat food products hereinbefore described are prepared;

II. Said inspectors shall refuse to stamp, mark, tag or label any carcass or any part thereof, or meat product therefrom, prepared in any establishment hereinbefore mentioned, until the same shall have actually been inspected and found to be not adulterated;

III. They shall perform such other duties as are provided by this chapter and by the rules and regulations to be prescribed by said commissioner;

IV. The commissioner shall, from time to time, make such rules and regulations as are necessary for the efficient execution of the provisions of this chapter, and all inspections and examinations made under this chapter shall be such and made in such manner as described in the rules and regula-

tions prescribed by said commissioner not inconsistent with its provisions.

428-A:15 Bribery: Penalties.

I. Any person, firm, or corporation, or any agent or employee of any person, firm, or corporation, who shall give, pay, or offer, directly or indirectly, to any inspector, deputy inspector, chief inspector, or any other officer or employee of this state authorized to perform any of the duties prescribed by this chapter or by the rules and regulations of the commissioner, any money or other thing of value, with intent to influence said inspector, deputy inspector, chief inspector, or other officer or employee of this state in the discharge of any duty herein provided for, shall be deemed guilty of a felony;

II. Any person convicted of said violation shall be punished by a fine of not less than five thousand dollars nor more than ten thousand dollars and by imprisonment not less than one year nor more than three years;

III. Any inspector, deputy inspector, chief inspector, or other officer or employee of this state authorized to perform any of the duties prescribed by this chapter who shall accept any money, gift, or other thing of value from any person, firm, or corporation, or officers, agents, or employees thereof, given with intent to influence his official action, or who shall receive or accept from any person, firm, or corporation engaged in intrastate commerce any gift, money, or other thing of value given with any purpose or intent whatsoever, shall be deemed guilty of a felony;

IV. Said official shall, upon conviction of this violation, be summarily discharged from office and shall be punished by a fine not less than one thousand dollars nor more than ten thousand dollars and by imprisonment not less than one year nor more than three years.

428-A:16 Exemptions.

I. The provisions of this subdivision requiring inspection of the slaughter of animals and the preparation of the carcasses, parts thereof, meat and meat food products at establishments conducting such operations shall not apply to:

(a) the slaughtering by any person of animals of his own raising, and the preparation by him and transportation in intrastate commerce of the carcasses, parts thereof, meat and meat food products of such animals exclusively for use by him and members of his household and his nonpaying guests and employees;

(b) the custom slaughtering by any person, firm, or corporation of cattle, sheep, swine or goats delivered by the owner thereof for such slaughter;

(c) the preparation by such slaughterer and transportation in intrastate commerce of the carcasses, parts thereof, meat and meat food products of such animals, exclusively for use, in the household of such owner, by him, and members of his household and his nonpaying guests and employees: provided that such custom slaughterer does not engage in the business of buying or selling any carcasses, parts of carcasses, meat or meat food products of any cattle, sheep, swine, goats or equines, capable of use as human food.

II. The provisions of this chapter requiring inspection of the slaughter of animals and the preparation of carcasses, parts thereof, meat and meat food products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments.

III. The slaughter of animals and preparation of articles referred to in paragraphs I (b) and II of this section shall be conducted in accordance with such sanitary conditions as the commissioner may by regulations prescribe. Violation of any such regulation is prohibited.

IV. The adulteration and misbranding provisions of this subdivision, other than the requirement of the inspection legend, shall apply to articles which are not required to be inspected under this section.

428-A:17 Storage and Handling. The commissioner may by regulations prescribe conditions under which carcasses, parts of carcasses, meat, and meat food products of cattle, sheep, swine, goats, horses, mules, or other equines, capable of use as human food, shall be stored or otherwise handled by any person, firm, or corporation engaged in the business of buying, selling, freezing, storing, or transporting, in or for intrastate commerce, such articles, whenever the commissioner deems such action necessary to assure that such articles will not be adulterated or misbranded when delivered to the consumer. Violation of any such regulation is prohibited.

Meat Processors and Related Industries

428-A:18 Denatured or Humanly Inedible Meat.

I. Inspection shall not be provided under sections 2 through 17 of this chapter at any establishment for the slaughter of cattle, sheep, swine, goats, horses, mules, or other equines, or the preparation of any carcasses or parts or products of such animals, which are not intended for use as human food.

II. Such articles shall, however, prior to their offer for sale or transportation in intrastate commerce, unless naturally inedible by humans, be denatured or otherwise identified as prescribed by regulations of the commissioner, to deter their use for human food.

III. No person, firm, or corporation shall buy, sell, transport, or offer for sale or transportation, or receive for transportation, in intrastate commerce, any carcasses, parts thereof, meat or meat food products of any such animals, which are not intended for use as human food unless they are denatured or otherwise identified as required by the regulations of the commissioner or are naturally inedible by humans.

428-A:19 Records.

I. The following classes of persons, firms, and corporations shall keep such records as will fully and correctly disclose all transactions involved in their businesses:

(a) any persons, firms, or corporations that engage, for intrastate commerce, in the business of slaughtering any cattle, sheep, swine, goats, horses, mules, or other equines, or preparing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any such animals, for use as human food or animal food;

(b) any persons, firms, or corporations that engage in the business of buying or selling (as meat brokers, wholesalers or otherwise), or transporting, in intrastate commerce, or storing in or for such commerce, any carcasses, or parts or products of carcasses, of any such animals;

(c) any persons, firms, or corporations that engage in business, in or for intrastate commerce, as renderers, or engage in the business of buying, selling, or transporting, in such commerce, any dead, dying, disabled, or diseased cattle, sheep, swine, goats, horses, mules, or other equines, or parts of the carcasses of any such animals that died otherwise than by slaughter.

II. All persons, firms, and corporations subject to such requirements shall, at all reasonable times, upon notice by a duly authorized representative of the commissioner afford such representative and any duly authorized representative of the secretary of agriculture of the United States accompanied by such representative of the commissioner access to their places of business and opportunity to examine the facilities, inventory, and records thereof, to copy all such records, and to take reasonable samples of their inventory upon payment of the fair market value therefor.

III. Any record required to be maintained by this section shall be maintained for such period of time as the commissioner may by regulations prescribe.

428-A:20 Registration: Licenses.

I. No person, firm, or corporation shall engage in business, in or for intrastate commerce, as a meat broker, renderer, or animal food manufacturer, or engage in business in such commerce as a wholesaler of any carcasses, or parts or products of the carcasses, of any cattle, sheep, swine, goats, horses, mules, or other equines, whether intended for human food or other purposes, or engage in business as a public warehouseman storing any such articles in or for such commerce, or engage in the business of buying, selling, or transporting in such commerce, any dead, dying, disabled, or diseased animals of the specified kinds, or parts of the carcasses of any such animals that died otherwise than by slaughter, unless, when required by regulations of the commissioner he has registered with said commissioner his name, and the address of each place of business at which, and all trade names under which, he conducts such business.

II. Said commissioner shall require an annual license fee of:

- (a) fifty dollars for custom slaughterers;
- (b) one hundred dollars for commercial slaughterers;

III. Licenses granted by the commissioner shall take effect on July 1 and expire on June 30 next following. All license fees shall be deposited in the general fund of the state.

428-A:21 Dead or Diseased Animals. No person, firm, or corporation engaged in the business of buying, selling, or transporting in intrastate commerce, dead, dying, disabled, or diseased animals, or any parts of the carcasses of any animals that died otherwise than by slaughter, shall buy, sell, transport, offer for sale or transportation, or receive for transportation, in such commerce, any dead, dying, disabled, or diseased cattle, sheep, swine, goats, horses, mules or other equines, or parts of the carcasses of any such

animals that died otherwise than by slaughter, unless such transaction or transportation is made in accordance with such regulations as the commissioner may prescribe to assure that such animals, or the unwholesome parts or products thereof, will be prevented from being used for human food purposes.

Federal and State Cooperation

428-A:22 Cooperation.

I. The department of agriculture is hereby designated as the state agency which shall be responsible for cooperating with the secretary of agriculture of the United States under the provisions of section 301 of the Federal Meat Inspection Act and such agency is directed to cooperate with the secretary of agriculture of the United States in developing and administering the meat inspection program of this state under this chapter to assure that not later than November 15, 1969, its requirements will be at least equal to those imposed under titles I and IV of the Federal Meat Inspection Act and in developing and administering the program of this state under sections 18 through 21 of this chapter in such a manner as will effectuate the purposes of this chapter and said federal act.

II. In such cooperative efforts, said department of agriculture is authorized to accept from said secretary advisory assistance in planning and otherwise developing the state program, technical and laboratory assistance and training including necessary curricular and instructional materials and equipment, and financial and other aid for administration of such a program. Said department of agriculture is further authorized to spend public funds of this state appropriated for administration of this chapter to pay fifty per centum of the estimated total cost of the cooperative program.

III. The department of agriculture is further authorized to recommend to the secretary of agriculture such officials or employees of this state as the division head shall designate, for appointment to the advisory committees provided for in section 301 of the Federal Meat Inspection Act; and said department head shall serve as the representative of the governor for consultation with said secretary under paragraph (c) of section 301 of said act unless the governor shall select another representative.

Auxiliary Provisions

428-A:23 Revocation or Suspension of Inspection Service.

I. The commissioner may for such period, or indefinitely, as he deems necessary to effectuate the purposes of this chapter, refuse to provide, or withdraw, inspection service under sections 2 through 17 of this chapter with respect to any establishment if he determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, such service, that such applicant or recipient is unfit to engage in any business requiring inspection under sections 2 through 17 because the applicant or recipient, or anyone responsibly connected with the applicant or recipient, has been convicted, in any federal or state court of:

(a) any felony, or

(b) more than one violation of any law, other than a felony, based upon the acquiring, handling, or distributing of unwholesome, mislabeled, or deceptively packaged food or upon fraud in connection with transactions in food.

II. This section shall not affect in any way other provisions of this chapter for withdrawal of inspection services under sections 2 through 17 from establishments failing to maintain sanitary conditions or to destroy condemned carcasses, parts, meat or meat food products.

III. For the purpose of this section a person shall be deemed to be responsibly connected with the business if he was a partner, officer, director, holder, or owner of ten per centum or more of its voting stock or employee in a managerial or executive capacity.

IV. The determination and order of the commissioner with respect to responsible business connections under this section shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within thirty days after the effective date of such order in the appropriate court as provided in section 26. Judicial review of any such order shall be upon the record upon which the determination and order are based.

428-A:24 Detention of Adulterated or Misbranded Meat. Whenever any carcass, part of a carcass, meat or meat food product of cattle, sheep, swine, goats, horses, mules, or other equines, or any product exempted from the definition of a meat food product, or any dead, dying, disabled, or diseased cattle, sheep, swine, goat, or equine is found by any authorized representative of the commissioner upon any premises where it is held for purposes of, or during or after distribution in intrastate commerce, and there is reason to believe that any such article is adulterated or misbranded and is capable of use as human food, or that it has not been inspected, in violation of the provisions of sections 2 through 17 of this chapter or of the Federal Meat Inspection Act or the Federal Food, Drug and Cosmetic Act, or that such article or animal has been or is intended to be, distributed in violation of any such provisions:

I. It may be detained by such representative for a period not to exceed twenty days, pending action under section 25 of this chapter or notification of any federal authorities having jurisdiction over such article or animal, and shall not be moved by any person, firm, or corporation from the place at which it is located when so detained, until released by such representative.

II. All official marks may be required by such representative to be removed from such article or animal before it is released unless it appears to the satisfaction of the commissioner that the article or animal is eligible to retain such marks.

428-A:25 Condemnation; Seizure.

I. Any carcass, part of a carcass, meat or meat food product of cattle, sheep, swine, goats, horses, mules or other equines, or any dead, dying, disabled, or diseased cattle, sheep, swine, goat, or equine, that is being transported in intrastate commerce, or is held for sale in this state after such transportation, shall be liable to be proceeded against and seized and condemned, at any time, on a libel of information in any proper court as provided in section 26 of this chapter within the jurisdiction of which the article or animal is found, if;

(a) it is or has been prepared, sold, transported, or otherwise distributed or offered or received for distribution in violation of this chapter;

(b) is capable of use as human food and is adulterated or misbranded; or

(c) in any other way is in violation of this chapter.

II. If the article or animal is condemned it shall, after entry of the decree, be disposed of by destruction or sale as the court may direct and the proceeds, if sold, less the court costs and fees, and storage and other proper expenses, shall be paid into the treasury of this state, but the article or animals shall not be sold contrary to the provisions of this chapter, or the Federal Meat Inspection Act or the Federal Food, Drug, and Cosmetic Act; provided that:

(a) upon the execution and delivery of a good and sufficient bond conditioned that the article or animal shall not be sold or otherwise disposed of contrary to the provisions of this chapter, or the laws of the United States, the court may direct that such article or animal be delivered to the owner thereof subject to such supervision by authorized representatives of the commissioner as is necessary to insure compliance with the applicable laws;

(b) when a decree of condemnation is entered against the article or animal and it is released under bond, or destroyed, court costs and fees, and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article or animal;

(c) the proceedings in such libel cases shall conform, as nearly as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any case, and all such proceedings shall be at the suit of and in the name of this state.

III. The provisions of this section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of this chapter, or other laws.

428-A:26 Jurisdiction of Court. The superior court is vested with jurisdiction specifically to enforce, and to prevent and restrain violations of this chapter, and shall have jurisdiction in all other kinds of cases arising under this chapter, except as provided in section 7, paragraph VI of this chapter.

428-A:27 Interference with Inspection.

I. Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this chapter shall be fined not more than five thousand dollars or imprisoned not more than three years, or both.

II. Whoever, in the commission of any of the acts enumerated in paragraph I, uses a deadly or dangerous weapon, shall be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.

III. Whoever kills any person while engaged in or on account of the performance of his official duties under this chapter shall be punished as provided under RSA 585.

428-A:28 General Penalty; Warning.

I. Any person, firm, or corporation who violates any provision of this chapter for which no other criminal penalty is provided by this chapter shall

upon conviction be subject to imprisonment for not more than one year, or a fine of not more than one thousand dollars, or both;

II. If such violation involves intent to defraud, or any distribution or attempted distribution of an article that is adulterated, except as defined in subparagraph 2, X, (h) of this chapter, such person, firm, or corporation shall be subject to imprisonment for not more than three years or a fine of not more than ten thousand dollars, or both;

III. No person, firm, or corporation shall be subject to penalties under this section for receiving for transportation any article or animal in violation of this chapter if such receipt was made in good faith, unless such person, firm, or corporation refuses to furnish on request of a representative of the commissioner the name and address of the person from whom he received such article or animal, and copies of all documents, if any there be, pertaining to the delivery of the article or animal to him.

IV. Nothing in this chapter shall be construed as requiring the commissioner to report for prosecution or for the institution of libel or injunction proceedings, or minor violations of this chapter whenever he believes that the public interest will be adequately served by a suitable written notice of warning.

428-A:29 Powers of Commissioner.

I. The commissioner shall also have power:

(a) to gather and compile information concerning and, to investigate from time to time the organization, business, conduct, practices, and management of any person, firm, or corporation engaged in intrastate commerce, and the relation thereof to other persons, firms, and corporations;

(b) to require, by general or special orders, persons, firms, and corporations engaged in intrastate commerce, or any class of them, or any of them to file with the commissioner, in such form as he may prescribe, annual or special, or both annual and special, reports or answers in writing to specific questions, furnishing to said commissioner such information as he may require as to the organization, business, conduct, practices, management, and relation to other persons, firms, and corporations, of the person, firm, or corporation filing such reports or answers in writing;

(c) such reports and answers shall be made under oath, or otherwise, as the commissioner may prescribe, and shall be filed with the commissioner within such reasonable period as the commissioner may prescribe, unless additional time be granted in any case by him.

II. For the purposes of this chapter the commissioner:

(a) shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any person, firm, or corporation being investigated or proceeded against, and may require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence of any person, firm, or corporation relating to any matter under investigation.

(b) may sign subpoenas and may administer oaths and affirmations, examine witnesses, and receive evidence.

III. Such attendance of witnesses, and the production of such documentary evidence, may be required at any designated place of hearing. In

case of disobedience to a subpoena the commissioner may invoke the aid of any court designated in section 26 of this chapter in requiring the attendance and testimony of witnesses and the production of documentary evidence.

IV. Any of the courts designated in section 26 of this chapter within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any person, firm, or corporation to appear before the commissioner or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

V. Upon the application of the attorney general of this state at the request of the commissioner, the superior court shall have jurisdiction to issue writs of mandamus commanding any person, firm, or corporation to comply with the provisions of this chapter or any order of the commissioner made in pursuance thereof.

VI. The commissioner may order testimony to be taken by deposition in any proceeding or investigation pending under this chapter at any stage of such proceeding or investigation:

(a) such depositions may be taken before any person designated by the commissioner and having power to administer oaths;

(b) such testimony shall be reduced to writing by the person taking the deposition, or under his direction and shall then be subscribed by the deponent;

(c) any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commissioner as hereinbefore provided.

VII. Witnesses summoned before the commissioner shall be paid the same fees and mileage that are paid witnesses in the courts of this state under RSA 592:13, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in such courts under RSA 516:13.

VIII. (a) No person, firm, or corporation shall be excused from attending and testifying or from producing books, papers, schedules of charges, contracts, agreements, or other documentary evidence before the commissioner or in obedience to the subpoena of the commissioner whether such subpoena be signed or issued by him or his delegate, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of this chapter, or of any amendments thereto, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him or it may tend to incriminate him or it or subject him or it to a penalty or forfeiture;

(b) but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

428-A:30 Refusal to Answer; False Statements.

I. Any person, firm, or corporation that shall neglect or refuse:

(a) to attend and testify or to answer any lawful inquiry, or
(b) to produce documentary evidence, if in his or its power to do so, in obedience to the subpoena or lawful requirement of the commissioner shall be guilty of a criminal offense and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars, or by imprisonment for not more than one year, or both.

II. Any person, firm, or corporation that shall willfully:

(a) make, or cause to be made, any false entry or statement of fact in any report required to be made under this chapter;

(b) make, or cause to be made, any false entry in account, record, or memorandum kept by any person, firm, or corporation subject to this chapter;

(c) neglect or fail to make, or to cause to be made, full, true, and correct entries in such accounts, records, or memoranda, of all facts and transactions appertaining to the business of such person, firm, or corporation:

(d) remove out of the jurisdiction of this state;

(e) mutilate, alter, or by any other means falsify any documentary evidence of any such person, firm, or corporation; or

(f) refuse to submit to the commissioner or to any of his authorized agents, for the purpose of inspection and taking copies, any documentary evidence of any such person, firm, or corporation in his possession or within his control, shall be deemed guilty of an offense and shall be subject, upon conviction in any court of competent jurisdiction to a fine of not less than one thousand dollars nor more than five thousand dollars or to imprisonment for a term of not more than three years, or both.

III. If any person, firm, or corporation required by this chapter to file any annual or special report shall fail so to do within the time fixed by the commissioner for filing the same, and such failure shall continue for thirty days after notice of such default, such person, firm, or corporation shall forfeit to this state the sum of one hundred dollars for each and every day of the continuance of such failure, which forfeiture shall be payable into the treasury of this state, and shall be recoverable in a civil suit in the name of the state brought in the superior court for the county where the person, firm, or corporation has his or its principal office or in the superior court for the county in which he or it shall do business.

IV. It shall be the duty of the various county attorneys, under the direction of the attorney general of this state, to prosecute for the recovery of such forfeitures. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of this state.

V. Any officer or employee of this state who shall make public any information obtained by the commissioner without his authority, unless directed by a court, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding five thousand dollars, or by imprisonment, not exceeding one year, or both, in the discretion of the court.

428-A:31 Limited Coverage of Chapter. The requirements of this chapter shall apply to persons, firms, corporation establishments, animals, and articles regulated under the Federal Meat Inspection Act only to the extent provided for in section 408 of said federal act.

363:2 Inspection of Meat. Amend RSA 130:2, as amended by 1963, 222:1, by striking out in lines five and six the words "slaughtering establishments and" so that said section as amended shall read as follows: **130:2 Inspection of Meat.** It shall be the duty of the inspectors, acting under the direction of the division of public health services, to make examinations as far as may be of the meat supplies sold in this state not guaranteed by government inspection, with reference to the detection of illegal, unsuitable or diseased meats, the sanitary condition of places where meats are kept, the methods of preparing meat products for sale and such other investigations of meat products as may be authorized by the division of public health services.

363:3 Appropriation. For the purpose of recruitment and training of inspectors provided for by RSA 428-A there is hereby appropriated the sum of seven thousand sixty-eight dollars for the fiscal year ending June 30, 1969. For the purpose of administration of the state meat inspection law as established by this act, there is hereby appropriated the sum of fifty-nine thousand, eight hundred and fifty-one dollars for the fiscal year ending June 30, 1970; and there is hereby appropriated the sum of forty-five thousand, nine hundred and thirty dollars for the fiscal year ending June 30, 1971. The governor is hereby authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated. Said sums shall be expended by the commissioner of agriculture as follows:

	1970	1971
Personal Services:		
Veterinarian	\$ 8,281	\$ 8,281
Inspectors (6)	30,415	31,849
Equipment (6 cars)	14,400	
Clothing	600	600
Record books, stamps, etc.	500	500
Travel	4,200	4,200
Filing cabinets (2)	205	
Executive desks (3)	420	
Executive chair (3)	330	
Printing and binding	300	
Telephone, etc.	200	200
Total	\$59,851	\$45,630
Less estimated federal funds	29,925	22,965
Net state appropriation	\$29,926	\$22,665

363:4 Effective Date. This act shall take effect sixty days after its passage; provided, that no meat slaughterer, meat packer or meat processor shall be required to comply with the provisions of RSA 428-A until January 1, 1970.

[Approved July 1, 1969.]

[Effective date August 30, 1969 provided that no meat slaughterer, meat packer or meat processor shall be required to comply with the provisions of RSA 428-A until January 1, 1970.]

CHAPTER 364.

AN ACT RELATING TO REASONABLE COMPENSATION OF COUNSEL WHO REPRESENT
INDIGENT DEFENDANTS IN CRIMINAL CASES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

364:1 Compensation to be Reasonable. Amend RSA 604-A:4, (supp) as inserted by 1965, 296:1 by inserting in line twelve after the word "court" the following (however, no justice shall approve any unreasonable or unnecessary charge) so that said section as amended shall read as follows: **604-A:4 Compensation of Counsel.** Subject to the provisions of section 6, counsel appointed pursuant to this chapter to represent the defendant at the conclusion of the representation or any segment thereof, shall be reasonably compensated therefor and shall be reimbursed for expenses reasonably incurred. A separate claim for compensation and reimbursement shall be made to each court before which the counsel represented the defendant. Each claim shall be supported by a written statement specifying the time expended, services rendered and expenses incurred while the case was pending before the court. Each court before which the counsel represented the defendant shall fix the compensation and reimbursement to be paid the counsel for services rendered and expenses incurred while representing the defendant in proceedings before the court, however, no justice shall approve any unreasonable or unnecessary charge.

364:2 Criminal Case. Amend RSA 604:5, (supp) as inserted by 1965, 296:1 and amended by 1967, 422:2, by striking out said section and inserting in place thereof the following: **604-A:5 Compensation Limited.** For representation of a defendant in any criminal case in which one or more felonies are charged, the total compensation paid counsel shall not exceed five hundred dollars, provided that in cases alleging a capital offense in which two counsel are appointed to represent a defendant each may be paid not exceeding five hundred dollars. For representation of a defendant in any criminal case in which only misdemeanors are charged, the total compensation to be paid counsel shall not exceed two hundred dollars. For representation of any juvenile charged with being delinquent, the total compensation to be paid counsel shall not exceed one hundred dollars. Provided, that of the above specified amounts, the proportion allowed by a justice of a district or municipal court, for services rendered by counsel while representing the defendant in proceedings before said court, shall not be in excess of one hundred seventy-five dollars for a preliminary examination in the case of a felony; one hundred dollars for the trial of a misdemeanor or fifty dollars for a juvenile case. Each clerk of a district or municipal court shall certify to the clerk of the superior court the amount approved by the district or municipal court. In cases where homicides are

charged or the penalty exceeds twenty-five years and there are extraordinary circumstances, payment in excess of these limits may be made if the court finds that the nature of the case is such as to require intensive and protracted representation.

364:3 Effective Date. This act shall take effect July 1, 1969.

[Approved July 1, 1969.]

[Effective date July 1, 1969.]

CHAPTER 365.

AN ACT RELATING TO APPROPRIATIONS FOR MASS TRANSPORTATION IN CITIES OF
MORE THAN EIGHTY THOUSAND POPULATION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

365:1 Mass Transportation. Amend RSA 47 by inserting after section 11 the following new section:

47:11-a Mass Transportation for Cities over Eighty Thousand in Population.

I. Power to Appropriate. The governing body of any city of a population greater than eighty thousand, according to the most recent census, may, subject to the provisions of paragraphs II and III, raise and appropriate such sums of money as public convenience or necessity may require, to aid or contribute to a mass transportation system.

II. Optional Referendum. If the governing body of a city with a population greater than eighty thousand should desire to place the question of whether or not to appropriate a certain sum of money pursuant to the provisions of paragraph I, they may place said question on a referendum to be voted upon at any regular municipal election, or at a special election called for the purpose of voting on said question. Should a referendum be held, the following questions shall be submitted "Shall the governing body of the city of () be instructed to appropriate (\$) for the purpose of aiding mass transportation?" The governing body shall be bound by the outcome of the referendum.

III. Two-thirds Vote. If the governing body of a city with a population greater than eighty thousand should decide not to place the question of whether or not to appropriate a certain sum of money pursuant to the provisions of paragraph I on a referendum, a two-thirds vote of the entire membership of the governing body shall be necessary in order to approve said appropriation.

365:2 Effective Date. This act shall take effect upon its passage.

[Approved July 1, 1969.]

[Effective date July 1, 1969.]

CHAPTER 366.

AN ACT RELATIVE TO INSURANCE FEES AND FEES FROM SALE OF SECURITIES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

366:1 Insurance Agents, Eligibility for License. Amend RSA 402:15 by inserting in line one after the word "state" the words (or residents in any other state granting similar licenses to residents of this state), and by inserting in line five after the word "examination" the words (and to be licensed) so that said section as amended shall read as follows: **402:15 Eligibility as Agent.** Only residents of this state or residents in any other state granting similar licenses to residents of this state shall be eligible to receive licenses as insurance agents. In case of the appointment of a partnership or association or corporation as agent each active member of such partnership or association, or the active officers of such corporation shall be required to take an examination and to be licensed.

366:2 Insurance Agent License; Application Fee. Amend RSA 402:16 by inserting at the end of the section the words (The applicant shall pay a fifteen dollar application fee which is not to be returned if the license is not granted) so that said section as amended shall read as follows: **402:16 Examination of Agents and Issuance of License.** Upon written notice by an insurance company authorized to transact business in this state of its appointment of a person to act as its agent herein the insurance commissioner shall, if he is first satisfied that the appointee is a suitable person and intends to hold himself out in good faith as an insurance agent, subject the appointee to a written examination on his qualifications to act as an agent and if the commissioner, after such examination, is satisfied that the appointee is qualified by instruction or experience to act competently as an agent in the line of insurance for which he has been appointed and is reasonably familiar with the insurance laws of the state and with the provisions, terms, and conditions of policies or contracts which the appointee is to solicit, negotiate, or effect the commissioner shall issue to the appointee a license which shall state in substance that the company is authorized to do business in this state and that the person named therein is the constituted agent of the company in this state for the purposes set forth in said license. Such license shall be limited to the kind of insurance for which the holder has been appointed agent and for which the commissioner considers the appointee qualified. The applicant shall pay a fifteen dollar application fee which is not to be returned if the license is not granted.

366:3 Two-Year Licenses for Insurance Agents. Amend RSA 402:23 by striking out in line four the word "next" and inserting in place thereof the words (of the second year) so that said section shall read as follows: **402:23 Expiration.** Unless revoked by the commissioner, or unless the company by written notice to the commissioner cancels the agent's authority to act for it, such license and any other license issued to an agent or any renewal thereof shall expire on March thirty-first of the second year after its issue.

366:4 Increase of Insurance Agents License Fees. Amend RSA 402:24 by striking out said section and inserting in place thereof the following: **402:24 Fees.** Every insurance company shall pay a fee of fifteen dollars for

every such license application and a fee of ten dollars for every such license and renewal thereof.

366:5 Minimum Premium Tax, Fire, etc. Companies. Amend RSA 402:57 by striking out in lines eleven and twelve the words “provided, however, that” and by inserting in place thereof the sentence (However, any company taxable under this section shall pay a tax of no less than two hundred dollars.) so that said section as amended shall read as follows: **402:57 Tax; Fire, etc. Companies.** Except as hereinafter provided, every fire, marine, fidelity, and casualty company shall pay to the state treasurer within one month after receiving notice from the commissioner of the amount thereof, a tax of two per cent upon all gross direct premiums written, less return premiums, upon property or risks located or persons resident in this state, during the year ending on the preceding December thirty-first as assessed by the commissioner, and a further deduction in the case of all fire, marine, fidelity, and casualty insurance companies, taxable under the provisions of this section, of the amount of all unabsorbed premium deposits actually returned or credited to policyholders upon business in this state during the year for which the tax is determined. However, any company taxable under this section shall pay a tax of no less than two hundred dollars. Premiums written for ocean marine insurance, as hereinafter defined in section 59, shall not be taxed in accordance with the provisions of this section but shall be taxed in accordance with the provisions of section 59 of this chapter.

366:6 License Fees, Agents of Unlicensed Companies. Amend RSA 405:24 by striking out in line two the word “twenty-five” and inserting in place thereof the words (two hundred) and by striking out in line three the words “at any time” and inserting in place thereof the words (at the pleasure of the commissioner) so that said section as amended shall read as follows: **405:24 Issue.** The commissioner, upon the annual payment of a fee of two hundred dollars, may issue licenses to licensed resident agents of the state, subject to revocation at the pleasure of the commissioner, permitting the agent named therein to procure insurance policies and contracts of insurance or suretyship to be effective in this state in foreign insurance companies not authorized to transact business in this state, but which are duly authorized to do business in some state having an insurance commissioner. All such licenses shall expire annually on March thirty-first. Such insurance or suretyship placed with an unadmitted company shall be for such amount as the agent cannot place with an admitted company, and shall not be placed until the agent has first satisfied the insurance commissioner that he cannot procure such insurance in an admitted company.

366:7 Insurance Brokers, Examination for Licenses. Amend RSA 405:32 by striking out in line eight the word “and” and inserting in place thereof the words (after payment of a fifteen dollar application fee), and by striking out in line ten the word “ten” and inserting in place thereof the word (thirty) so that said section as amended shall read as follows: **405:32 Examination of Brokers.** Upon application for a license by a person resident in this state, or resident in any other state granting insurance brokers’ licenses to residents of this state, to act as an insurance broker the insurance commissioner shall, if he is first satisfied that the applicant is a suitable per-

son and intends to hold himself out and carry on business as an insurance broker in good faith, subject the applicant to a written examination as to his qualification to act as an insurance broker, after payment of a fifteen dollar application fee. If the commissioner, after such examination, is satisfied that the applicant is qualified by instruction or experience so to act, he shall, upon the payment of thirty dollars as a license fee, issue a license to such person to act as an insurance broker to negotiate contracts of insurance or reinsurance, or place risks, or effect insurance or reinsurance, with any qualified domestic insurance company or its agent, or with the authorized agent in this state of any foreign insurance company duly admitted to do business in this state.

366:8 Brokers' License, Two Year Term. Amend RSA 405:36 by striking out in line one the words "one year" and inserting in place thereof the words (two years) so that the said section as amended shall read as follows: **405:36 Term.** A broker's license shall remain in force two years from its date, unless sooner revoked by the commissioner for cause.

366:9 Variable Annuity Contracts, Application Fee. Amend RSA 408:36 as inserted by 1967, 272:2 by striking out in line three the words "fifty dollars, the fee" and inserting in place thereof the words (one hundred dollars, which is not) so that said section as amended shall read as follows: **408:36 Application; Fee.** Any such life insurance corporation desiring registration shall file written application therefor with the insurance commissioner, accompanied by a registration fee of one hundred dollars, which is not to be returned if the application is not granted.

366:10 Variable Annuity Contracts, Certificate Fees. Amend RSA 408:40 as inserted by 1967, 272:2 by striking out in lines eleven and twelve the words "one dollar" and inserting in place thereof the words (five dollars) so that said section as amended shall read as follows: **408:40 Certificate.** Upon registration of any insurance corporation to issue variable annuity contracts, a certificate shall be issued stating the name, principal place of business, and address of the registrant, the names, residences, and business addresses of all persons interested in the business as principals, officers, directors, or managing agents, and the fact that the registrant has been registered as a life insurance corporation authorized to issue variable annuity contracts. The certificate shall in other respects be in such form as the commissioner may determine, but shall state in bold type that the commissioner does not recommend and assumes no responsibility for, variable annuity contracts offered by the registrant. Certified copies of this certificate shall be furnished to the registrant at five dollars each.

366:11 Insurance, Variable Annuities, Original Registration of Agents. Amend RSA 408:43 as inserted by 1967, 272:2, by striking out in line two the word "registration" and inserting in place thereof the word (application) and by inserting in line five after the word "request" the words (upon payment of a twenty-five dollar registration fee) so that said section as amended shall read as follows: **408:43 Application.** Upon written application by a registered insurance corporation, accompanied by an application fee of fifteen dollars for each person, the commissioner shall, if he is satisfied that they are suitable persons, register, as agents or salesmen of such insurance corporation, such persons as the said insurance corporation may request, upon payment of a twenty-five dollar registration fee.

366:12 Insurance Companies, Variable Annuities, Registration. Amend RSA 408:48 as inserted by 1967, 272:2 by striking out in line five the word "fifty" and inserting in place thereof the words (one hundred) so that said section as amended shall read as follows: **408:48 Renewal of Registrations.** New registration of any such corporations for the succeeding year may be issued as of course without the filing of further statements or furnishing any further information, unless specifically requested by the commissioner, upon written application of the said insurance corporation and payment of one hundred dollars for each registration.

366:13 Insurance Agents, Variable Annuities, Registration. Amend RSA 408:49 as inserted by 1967, 272:2 by striking out in line four the word "fifteen" and inserting in place thereof the word (twenty-five) so that said section as amended shall read as follows: **408:49 Renewal of Agent's Registration.** Registration of an agent may be renewed from year to year, upon the request of the insurance corporation authorized to issue variable annuity contracts and the payment of twenty-five dollars.

366:14 Hospital Insurance Services, License Fees. Amend paragraph II of RSA 419:4 by striking out in line four the word "two" and inserting in place thereof the word (ten) so that said paragraph as amended shall read as follows: **II. LICENSE.** Upon written notice by a licensed hospital service corporation of its appointment of a person to act as its agent, the commissioner shall, if he is satisfied that the appointee is a suitable person and intends to hold himself out in good faith as an agent, upon payment of ten dollars, issue to him a license, which shall state in substance that the corporation is authorized to do business in this state and that the person named therein is the constituted agent of the corporation for the purposes set forth in said license. Such license shall be limited to the solicitation of hospital service business.

366:15 Hospital Insurance Licenses, Renewal Fees. Amend paragraph III of RSA 419:4 by striking out in line two the word "two" and inserting in place thereof the word (ten) so that said paragraph as amended shall read as follows: **III. RENEWALS.** A license previously issued may be renewed upon application of the corporation and payment of ten dollars.

366:16 Hospital Insurance Licenses, Expiration. Amend paragraph V of RSA 419:4 by striking out in line four the word "next" and inserting in place thereof the words (of the second year) so that said paragraph as amended shall read as follows: **V. EXPIRATION.** Unless revoked by the commissioner, or unless the corporation by written notice to the commissioner cancels the agent's authority to act for it, such license or any renewal thereof shall expire on March thirty-first of the second year after its issue.

366:17 Medical Insurance License Fees. Amend paragraph II of RSA 420:4 by striking out in line five the word "two" and inserting in place thereof the word (ten) so that said paragraph as amended shall read as follows: **II. LICENSE.** Upon written notice by a medical service corporation licensed to do business in this state of its appointment of a person to act as its agent herein, the insurance commissioner shall, if he is first satisfied that the appointee is a suitable person and intends to hold himself out in good faith as an agent, upon payment of ten dollars by the applicant,

issue to the appointee a license, which shall state in substance that the corporation is authorized to do business in this state for the purposes set forth in said license. Such license shall be limited to the solicitation of medical service business.

366:18 Medical Insurance Licenses, Renewal Fees. Amend paragraph III of RSA 420:4 by striking out in line two the word "two" and inserting in place thereof the word (ten) so that said paragraph as amended shall read as follows: III. RENEWALS. A license previously issued may be renewed upon application of the medical service corporation upon payment of ten dollars.

366:19 Medical Insurance Licenses, Expiration. Amend paragraph V of RSA 420:4 by striking out in line four the word "next" and inserting in place thereof the words (of the second year) so that said paragraph as amended shall read as follows: V. EXPIRATION. Unless revoked by the commissioner, or unless the corporation by written notice to the commissioner cancels the agent's authority to act for it, such license issued to an agent, or any renewal thereof, shall expire on March thirty-first of the second year after its issue.

366:20 License Fee for Sale by Corporation of Its Own Stock. Amend RSA 421:3 by striking out in line seven the word "ten" and inserting in place thereof the words (twenty-five) so that said section as amended shall read as follows: 421:3 Licensee. Any corporation chartered by or organized under the laws of this state and actually engaged in business herein, or any public utility corporation actually engaged in business in this state, shall be entitled to receive from the insurance commissioner a license authorizing it, by its officers, agents, and employees, to sell its stocks, bonds, or other securities within this state, upon making application therefor and paying a license fee of twenty-five dollars and furnishing evidence satisfactory to the commissioner that the issue of such license will not be inconsistent with the public interest.

366:21 License Fees, Agent for Sale of Stock of Local Corporation. Amend RSA 421:5 by striking out in line four the words "one dollar" and inserting in place thereof the words (five dollars) so that said section as amended shall read as follows: 421:5 Agents. Every such local corporation shall, from time to time, file with the commissioner the names and residences of its agents and employees authorized to make such sales on its behalf, and shall receive licenses therefor upon paying a fee of five dollars for each agent and employee so authorized, and furnishing evidence as required by section 3.

366:22 Securities Dealers, Application Fee. Amend RSA 421:8 by striking out in line three the words "fifty dollars, the fee" and inserting in place thereof the words (two hundred dollars, which is not) so that the section as amended shall read as follows: 421:8 Application; Fee. Any dealer desiring registration shall file written application therefor with the insurance commissioner, accompanied by a registration fee of two hundred dollars, which is not to be returned if the application is not granted.

366:23 Registration of Securities Dealers, Certificate Fee. Amend RSA 421:16 by striking out in line ten the words "one dollar" and inserting in

place thereof the words (five dollars) so that the said section as amended shall read as follows: **421:16 Certificate.** Upon registration of any dealer, a certificate shall be issued stating the name, principal place of business, and address of the dealer, the names, residences, and business addresses of all persons interested in the business as principals, officers, directors, or managing agents, and the fact that the dealer has been registered as a dealer in securities. The certificate shall in other respects be in such form as the commissioner may determine, but shall state in bold type that the commissioner does not recommend, and assumes no responsibility for, securities offered by the dealer. Certified copies of this certificate shall be furnished to the dealer at five dollars each.

366:24 Securities Sales, Original License of Agents. Amend RSA 421:19 by striking out in line two the word "registration" and inserting in place thereof the word (application) and by inserting in line five after the word "request" the words (upon payment of a fifty dollars registration fee) so that said section as amended shall read as follows: **421:19 Application.** Upon written application by a registered dealer, accompanied by an application fee of fifteen dollars for each person, the commissioner shall, if he is satisfied that they are suitable persons, register, as agents or salesmen of such dealer, such persons as the dealer may request, upon payment of a fifty dollars registration fee.

366:25 Securities Dealers and Agents, Two Year License. Amend RSA 421:23 by striking out in line two the words "annually" and inserting in place thereof the words (every two years) so that said section as amended shall read as follows: **421:23 Expiration of Registrations.** All registrations of dealers or agents shall expire every two years on the last day of the month of February.

366:26 Securities Sales, Renewal of Dealers' Registrations. Amend RSA 421:24 by striking out in line two the word "year" and inserting in place thereof the words (two years) and by striking out in line five the word "fifty" and inserting in place thereof the words (two hundred) so that the said section as amended shall read as follows: **421:24 Renewal of Dealers' Registrations.** New registrations of dealers for the succeeding two years may be issued as of course without the filing of further statements or furnishing any further information, unless specifically requested by the commissioner, upon written application of the dealer and payment of two hundred dollars for each registration.

366:27 Securities Sale, Renewal of Agents Registration. Amend RSA 421:25 by striking out in line two the words "from year to year" and inserting in place thereof the words (for a two-year period) and by striking out in line three the word "fifteen" and inserting in place thereof the word (fifty) so that said section as amended shall read as follows: **421:25 Renewal of Agent's Registration.** Registration of an agent may be renewed for a two-year period, upon the request of the dealer and the payment of fifty dollars.

366:28 Securities Sale, Qualification of Securities. Amend RSA 421:28 by striking out in line ten the word "twenty-five" and inserting in place thereof the words (one hundred) so that said section as amended shall read as follows: **421:28 Qualification of Securities.** No registered dealer or his

salesmen or agents shall sell or offer for sale securities, except those legal for investments for savings banks in this state and except such other securities as may be designated under such rules and regulations as the commissioner may prescribe, unless such sale has been approved by the commissioner. A dealer desiring to qualify such securities shall submit to the commissioner such descriptive, statistical, or documentary information as he may require. The commissioner shall after examination of such information approve or disapprove the sale of such securities and so notify the dealer. A fee of one hundred dollars shall be charged for the examination of material submitted to obtain the qualification of a new security or investment trust shares. This fee shall not be charged for the examination of material submitted to obtain the qualification of securities by a corporation licensed to sell its own stock under section 3 of this chapter. The commissioner may prescribe rules and regulations to carry out the purposes hereof.

366:29 Insurance Commissioner, Fees for Documents. Amend RSA 400:20 by striking out in line four the words "ten cents for each hundred words" and inserting in place thereof the words (twenty-five cents for each sheet), and by striking out in line four and five the words "one dollar" and inserting in place thereof the words (three dollars) so that said section as amended shall read as follows: **400:20 Fees Collectible by.** The commissioner shall collect from insurance companies the fees due from them to the state. He shall also collect, for the use of the state, the following fees: For copies of records or papers on file in his office, twenty-five cents for each sheet; for certificates, three dollars each; for other official acts and services, reasonable fees to be determined by the commissioner.

366:30 License Fees, Road and Tourist Service Organizations. Amend RSA 269:6 by striking out in line two the word "twenty-five" and inserting in place thereof the words (one hundred), and by striking out in line three the word "two" and inserting in place thereof the word (ten) so that said section as amended shall read as follows: **269:6 Fees for Licenses.** The fee for each license issued under the provisions of section 2 shall be one hundred dollars and for each license issued under the provisions of section 4 the fee shall be ten dollars. Said fees shall be paid to the insurance commissioner and shall be for the use of the state.

366:31 License Fees, Rating Organizations. Amend RSA 413:1 (a) by striking out in line 25 the words "twenty-five" and by inserting in place thereof the words (four hundred fifty) so that said paragraph as amended shall read as follows: (a) A corporation, an unincorporated association, a partnership or an individual, whether located within or outside this state, may make application to the commissioner for license as a rating organization for such kinds of casualty insurance or subdivisions thereof, or for such kinds of fire, marine and inland marine insurance or subdivision or class of risk or a part or combination thereof as are specified in its application and shall file therewith (1) a copy of its constitution, its articles of agreement or association or its certificate of incorporation, and of its bylaws, rules and regulations governing the conduct of its business, (2) a list of its members and subscribers, (3) the name and address of a resident of this state upon whom notices or orders of the commissioner or process affecting such rating organization may be served and (4) a statement of its qualifications as a

rating organization. If the commissioner finds that the applicant is competent, trustworthy, and otherwise qualified to act as a rating organization and that its constitution, articles of agreement or association or certificate of incorporation, and its bylaws, rules and regulations governing the conduct of its business conform to the requirements of law, he shall issue a license specifying the kinds of insurance, or subdivision or class of risk or part or combination thereof for which the applicant is authorized to act as a rating organization. Every such application shall be granted or denied in whole or in part by the commissioner within sixty days of the date of its filing with him. Licenses issued pursuant to this section shall remain in effect for three years unless sooner suspended or revoked by the commissioner. The fee for said license shall be four hundred fifty dollars. Licenses issued pursuant to this section may be suspended or revoked by the commissioner, after hearing upon notice, in the event the rating organization ceases to meet the requirements of this subsection. Every rating organization shall notify the commissioner promptly of every change in (1) its constitution, its articles of agreement or association, or its certificate of incorporation, and its bylaws, rules and regulations governing the conduct of its business, (2) its list of members and subscribers and (3) the name and address of the resident of this state designated by it upon whom notices or orders of the commissioner or process affecting such rating organization may be served.

366:32 Licenses for Agents of Foreign Companies. Amend RSA 405:16 by inserting in line two after the word "state" the words (or residents in any other state granting similar licenses to residents of this state. A non-resident licensed as an insurance agent of such a company shall transact business in this state only through the lawfully constituted and licensed resident agent of such company in this state) so that said section as amended shall read as follows: **405:16 Residence.** The agents of such insurance companies shall be residents of the state or residents in any other state granting similar licenses to residents of this state. A non-resident licensed as an insurance agent of such a company shall transact business in this state only through the lawfully constituted and licensed resident agent of such company in this state. Any partnership, association or corporation having one or more non-resident members, other than a corporation organized under the laws of this state at least three-fourths of whose capital stock is held and beneficially owned by bona fide residents thereof, shall be deemed non-resident and not entitled to an agent's license.

366:33 Present Licenses. Any valid licenses in effect at the date of the passage of this act, unless, sooner revoked or suspended, shall continue in force and effect until the expiration date provided for at the time of issuance notwithstanding the provisions of this act.

366:34 Effective Date. This act shall take effect upon its passage.

[Approved July 1, 1969.]

[Effective date July 1, 1969.]

CHAPTER 367.

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF CERTAIN DEPARTMENTS OF
THE STATE FOR THE YEAR ENDING JUNE 30, 1970.

Be it Enacted by the Senate and House of Representatives in General Court convened:

367:1 Appropriations: The sums hereinafter detailed in this act are hereby appropriated to be paid out of the treasury of the state for the purposes specified for the branches and departments named for the fiscal year ending June 30, 1970:

367:2 Legislative branch:

General court:

Senate:

Personal services:	
Attaches	\$12,500
Current expenses	3,000
Travel — Members and attaches†	6,500
Equipment and capital improvement	7,500
Other expenditures:	
Membership fees	1,250
Legal services and consultants	2,500
	<hr/>
Total — senate	\$33,250
	<hr/>

House:

Personal services:	
Attaches	\$20,500
Current expenses	7,000
Travel — Members and attaches†	13,500
Equipment and capital improvements	10,000
Other expenditures:	
Membership fees	1,250
Legal services and consultants	2,500
	<hr/>
Total — house	\$54,750
	<hr/>

Joint expenses:

Special session expenses	\$150,000
Printing and binding	40,000
Council of state government	8,325
Voters guide — constitutional amendments	5,000
Legal services and consultants	2,500
	<hr/>
Total — joint expenses	\$205,825
	<hr/>

Total for the general court \$293,825

†Includes travel and expenses authorized by RSA 14-A:3 (supp.)

Legislative services:	
Personal services*	\$73,923
Current expenses**	5,500
Travel:	
In state	500
Out of state	2,200
Equipment	1,800
Other expenditures:	
Consultants	6,600

Total for legislative services	90,523
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*Salaries to be set in accordance with provisions of RSA 17-A:2 and 17-A:4.

**All postage and telephone expenses to be charged against general legislative appropriation.

Legislative budget assistant:	
Personal services*	\$194,214
Current expenses	9,500
Travel:	
In state	2,500
Out of state	1,500
Equipment	1,500
Other expenditures:	
Consultants and CPA audit	11,000

Total for legislative budget assistant	220,214
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*Other provisions of law notwithstanding, salaries of permanent employees shall be as approved by the fiscal committee of the general court. The legislative budget assistant shall, when overtime or temporary assistance is necessary, obtain such assistance and determine the compensation therefor.

Note 1: The legislative budget assistant may designate a certified public accountant, not employed in state service, to make the annual audit of the state treasury, and said legislative budget assistant may accept the findings and report of said certified public accountant as fulfilling the provisions of RSA 14:31 part II, whereby the said legislative budget assistant is required to audit the accounts of the state treasurer.

Note 2: Other provisions of law notwithstanding, the research analyst to the senate finance committee shall be a member of the legislative budget assistant staff.

Note 3: Other provisions of law notwithstanding, expenses of the fiscal committee of the general court, including travel expenses of members, shall be a charge against the appropriation for the legislative budget assistant.

Legislative study committee	
Other expenditures	5,000†

†Expenditures from this appropriation shall have prior approval of the fiscal committee of the general court.

Miscellaneous legislative committees	4,000
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Total for legislative branch

\$613,562†

†These appropriations shall not lapse at June 30, 1970.

Note 1: Other provisions of law notwithstanding, employees of the legislative budget assistant's office and the director of legislative services' office shall be eligible for fringe benefits as provided for classified employees including but not limited to membership in retirement system, blue shield and blue cross coverage, life insurance coverage and annual and sick leave benefits.

Note 2: Other provisions of law notwithstanding, transfers may be made within divisions of the legislative appropriation in the following manner:

- (a) House appropriation — Request of speaker, approval of fiscal committee.
- (b) Senate appropriation — Request of president of senate, approval of fiscal committee.
- (c) Joint expenses — Request of speaker of house and president of senate, approval of fiscal committee.
- (d) Legislative services — Request of director, approval of president of senate, speaker of house, and fiscal committee.
- (e) Legislative budget assistant — Request of legislative budget assistant, approval of president of senate, speaker of house, and fiscal committee.
- (f) All other legislative accounts — Request of president of senate and speaker of house, approval of fiscal committee.
- (g) Transfers may be made between divisions in the legislative appropriation on request of president of senate and speaker of house with approval of fiscal committee.

367:3 Judicial branch:

For supreme court:

Salaries of justices	\$118,470
Salary of clerk-reporter	15,960
Other personal services:	
Permanent	31,501
Other	2,000
Current expenses	7,500
Travel:	
In state	1,500
Out of state	1,200
Equipment	680
Other expenditures:	
N. H. supreme court reports*	6,750

Total	\$185,561
Less estimated revenue	1,250

Net appropriation	\$184,311
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*The funds in this appropriation shall not lapse but shall be available for expenditure in the following year.

For superior court:	
Salaries of judges	\$168,900
Salaries of judicial referee	17,160
Other personal services:	
Permanent†	88,173
Other	300
Current expenses	8,500
Travel:	
In state	14,500
Out of state	1,000
	<hr/>
Total	\$298,533
Less reimbursements	91,000
	<hr/>

Net appropriation 207,533

†The funds in this appropriation are for court stenographers which may be increased with approval of governor and council provided the counties are billed for total expenditures.

For probate court:	
Salaries of judges, registers and deputies	170,203
For judicial council††	12,265†

††In this appropriation \$7,000 shall be for the salary of the secretary.

‡The funds in this appropriation shall not lapse but shall be available for expenditure in the following year.

For administrative committees:	
For district and municipal courts	\$8,550
For probate courts*	500
	<hr/>

Total 9,050

*The funds in the appropriation shall not lapse but shall be available for expenditure in the following year.

Total for judicial branch \$583,362

367:4 Executive branch:

Office of governor:	
Salary of governor	\$30,000
Other personal services:	
Other†	91,379
Current expenses	10,000
Travel:	
In state*	3,000
Out of state	2,500
Equipment	2,920
Other expenditures:	
Contingent fund	15,000
Governor's special fund**	12,000
Trainee program†††	20,320
New England governors' conference	8,325

Emergency fund	50,000	
Operating budget contingent fund***	100,000	
Governors' conference	9,000	
Advisory commission	1,000	
	<hr/>	
Total		\$355,444

†Salaries paid out of this appropriation shall be at levels set by the Governor.

*Expense of operating and maintenance of the governor's state car shall be charged to this appropriation.

**The funds appropriated under this item are to be spent by the governor at his own and sole discretion for state purposes, included but not limited to participation in the activities of the United States Governors' Conference, the New England Governors' Conference, and the council of state governments, for which monies are not otherwise appropriated.

†††The funds in this appropriation shall not be transferred or used for any other purpose.

***Transfers from this fund are subject to prior approval by the governor and council and may be made to all state agency appropriations, excluding only the governor and council. The director of accounts shall keep a record of transfers approved for other than general fund agencies and shall report such special fund transfers to the legislature for appropriate adjustment between funds.

Office of economic opportunity:

Personal services:	
Other	\$67,852
Current expenses	7,270
Travel:	
In state	4,700
Other expenditures:	
Vista transportation	12,838
Consultant's contract	4,178
	<hr/>
Total	\$96,838
Less estimated federal grant	96,838
	<hr/>

Net appropriation 0

Executive council:

Personal services:	
Other — per diem	\$31,600
Secretary to executive council	4,770
Current expenses	1,200
Travel:	
In state	6,000
Out of state	250
	<hr/>

Total 43,820

Office of coordinator of federal funds:

Salary of coordinator	\$13,000
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Other personal services:		
Permanent	4,926	
Current expenses	1,500	
Travel:		
In state	300	
Out of state	2,000	
Equipment	100	
	<hr/>	
Total		21,826
State technical services:		
Other expenditures†		22,000
		<hr/>

†The money herein appropriated shall be deposited in the special fund established by RSA 188-A:16.

Total for executive office	<hr/>	\$443,090
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Note: The coordinator of federal funds shall, in addition to present duties, be the liaison officer for the office of economic opportunity and state technical services.

For adjutant general's department:

Central administrative office:		
Salary of adjutant general	\$14,100	
Other personal services:		
Permanent	63,347	
Other	1,000	
Current expenses	9,500	
Equipment	5,000	
Other expenditures:		
State flags	500	
	<hr/>	
Total		\$93,447
National guard:		
Personal services:		
Other*	\$7,000	
Current expenses	1,600	
Travel:		
In state	250	
Out of state	800	
Other expenditures:		
Social security	250	
	<hr/>	
Total		9,900

*Not to be transferred or expended for any other purpose.

Armories:

Personal services:	
Permanent	\$117,382
Other	2,000
Current expenses	100,000
Equipment	2,000
	<hr/>

Total	221,382
Officers' uniform allowance:	
Current expenses	7,000
State military reservation — Concord:	
Personal services:	
Permanent	\$54,330
Current expenses	40,000
Travel:	
In state	400
Equipment	600
Total	95,330
State military reservation — Pease air force base, Portsmouth:	
Personal services:	
Permanent	\$20,014
Current expenses	32,000
Travel:	
Out of state	200
Equipment	230
Total	52,444
New Hampshire military academy	5,000
Total for adjutant general's department	\$484,503
Less estimated revenue	68,701
Net appropriation for adjutant general's department	\$415,802
For administration and control:	
Division of budget and control:	
Salary of comptroller	\$18,320
Salary of business supervisor	14,160
Salary of assistant business supervisors	37,115
Other personal services:	
Permanent	17,962
Other	1,500
Current expenses	4,100
Travel:	
In state	500
Out of state	350
Equipment	1,100
Other expenditures:	
Firemen's relief	4,000
Consultants fees†	5,000
New England board of higher education:	
Expenses	12,000
Grants	50,000
Expenses for board	300
Oasi contributions:	
State employees	825,000
Teachers	1,100,000

Indigent defendants	75,000*
Total	\$2,166,407
‡Not to be expended without approval of governor and council.	
*Those persons requiring court appointment of counsel shall be personally responsible for payment of 10% of the legal fees. Providing however; that said person shall pay a minimum of \$5 and shall not be responsible for payment in excess of \$20.	
Division of accounts:	
Salary of director	\$15,180
Other personal services:	
Permanent	99,473
Other	2,500
Current expenses	26,000
Travel:	
In state	100
Out of state	350
Equipment	2,675
Total	146,278
Division of investigation of accounts:	
Personal services:	
Permanent	\$39,100
Current expenses	775
Travel:	
In state	4,250
Out of state	100
Equipment	4,000
Total	48,225
Division of purchase and property:	
Salary of director	\$14,160
Other personal services:	
Permanent	87,647
Other	2,550
Current expenses	5,700
Travel:	
In state	700
Out of state	600
Equipment	1,180
Total	\$112,537
Warehouse division:	
Personal services:	
Permanent	\$11,603
Other	1,400
Current expenses	11,610
Equipment	675

Other expenditures:

Fixed charges — bond payment and interest	5,412
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Total	\$30,700
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Less estimated revenue	30,700
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Net appropriation	\$ 0
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Total for division of purchase and property	112,537
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Division of building and grounds:

Personal services:

Permanent	\$244,634
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Other	4,626
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Current expenses	110,900
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Travel:

In state	300
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Out of state	350
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Equipment	7,653‡
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Other expenditures:

Resurfacing rear court parking and drive- way — state house annex	3,000
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Overhaul and renovate state house passenger elevators	1,500
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Overhaul and renovate annex passenger elevators	1,500
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Replace condensate piping — health building	1,000
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Repairs to plumbing and sanitary system — health building	1,000
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Total	\$376,463
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‡This amount includes \$330.00 to purchase a resuscitator and shall not be transferred or expended for any other purpose.

Old post office building:*

Personal services:

Permanent	\$25,875
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Other	2,125
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Current expenses	12,000
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Total	\$40,000
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Bridges home:*

Personal services:

Permanent	\$3,969
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Other	1,650
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Current expenses	3,050
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Equipment	500
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Total	\$9,169
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Note: Other provisions of law notwithstanding, authority is granted for the purchase of insurance on fine arts at the Bridges' home.

Total for division of building and grounds 425,632

*No part of this appropriation is to be transferred or expended for any other purpose.

Note: The superintendent of buildings and grounds shall supervise and be responsible for maintenance, upkeep and repair of the state office buildings on Concord Heights. Funds included in the department of public works and highways land and buildings appropriation for this purpose, as determined by the comptroller, shall be transferred to the division of buildings and grounds.

Mailing division:

Personal services:

Permanent 16,206

Current expenses 1,066

Equipment 2,100

Total

19,372

Telephone switchboard division:

Personal services:

Permanent 14,810

Other 500

Current expenses 6,426

Equipment 80

Total

21,816

Division of records management and archives:

Salary of director 10,001

Other personal services

Permanent 9,891

Other 250

Current expenses 4,500

Travel:

In state 50

Out of state 350

Equipment 750

Other expenditures:

Purchase and installation of humidifier
in archives vault 700

Additional lighting in records room 3,000

Insulate outside walls of archives vault 400

Total

29,892

State historical commission:

Personal services:

Other 500

Current expenses† 2,200

Travel:

In state 500

Total

3,200

†In this appropriation \$2000 shall be for printing and binding and shall not lapse until June 30, 1971.

N. H. distributing agency:*

Surplus foods division:

Salary of director	\$10,980
Other personal services:	
Permanent	36,709
Other	4,000
Current expenses	18,375
Travel:	
In state	2,075
Out of state	225
Equipment	3,800
Other expenditures:	
Oasi and retirement	4,166
Blue cross and insurance	412

Total	\$80,742
Less estimated revenue and balance†	80,742

Net appropriation

0

Surplus property division:

Salary of deputy director	\$8,900
Other personal services:	
Permanent	11,483
Other	1,000
Current expenses	11,878
Travel:	
In state	600
Out of state	625
Equipment	675
Other expenditures:	
Oasi and retirement	1,792
Blue cross and insurance	155

Total	\$37,108
Less estimated revenue and balance	37,108

Net appropriation

0

*With the approval of the governor and council the director of the New Hampshire distributing agency is authorized to transfer personnel, appropriations or portions thereof, as well as equipment, between the subdivisions of the agency. Such transfers shall not place an unwarranted demand upon the fund balances of either surplus food or surplus property.

†Authority is hereby given to utilize so much as may be necessary of the balance accumulated at June 30, 1969, or any surplus accumulating during the fiscal year 1970 within this subdivision, with approval of the governor and council, to efficiently operate this division without the use of any other state funds.

Total for administration and control \$2,973,359

For agriculture:

Office of commissioner:	
Salary of commissioner	\$14,040
Other personal services:	
Permanent	56,889
Current expenses	14,000
Travel:	
In state	3,320
Out of state	1,500
Equipment	4,680
Other expenditures:	
Feed, seed and fertilizer analytical services	29,000
Total	<u>\$123,429</u>
Less estimated federal funds	4,500

Net appropriation

\$118,929

Pesticide control:

Personal services:	
Permanent	\$12,718
Current expenses	1,400
Travel:	
In state	1,000
Out of state	350
Other expenditures:	
Expense re pesticide control law*	<u>2,500</u>

Total

17,968

*Not to be transferred or expended for any other purpose.

Division of markets and standards:**Bureau of markets:**

Personal services:	
Permanent	\$52,818
Current expenses	23,100
Travel:	
In state	2,745
Out of state	350
Equipment	7,300
Other expenditures:	
Cooperative grant to New England crop reporting service	800
Rodent control work in cooperation with federal government	150
Federal supervision in connection with farm produce inspection	<u>50</u>

Total

87,313

Bureau of weights and measures:

Personal services:	
Permanent	\$50,182

Current expenses	3,500	
Travel:		
In state	6,000	
Out of state	350	
Equipment	4,800	
Total		64,832
Division of animal industry:		
Salary of state veterinarian	\$11,220	
Other personal services:		
Permanent	71,742	
Current expenses	13,000	
Travel:		
In state	7,800	
Out of state	450	
Equipment	450	
Other expenditures:		
Veterinary services other than testing	500	
Tubercular testing	23,000	
Brucellosis, vibrosis, and leptospirosis testing	26,000	
Testing for mastitis control	500	
Indemnities for condemned animals*	6,000	
Diagnostic services of domestic animals	12,000	
Total		172,662

*This appropriation shall not lapse but shall be available for expenditure in the following year.

Division of insect and plant disease suppression and control:		
Salary of state entomologist	\$3,820	
Other personal services:		
Permanent	21,863	
Other	4,840	
Current expenses	1,200	
Travel:		
In state	4,200	
Out of state	350	
Equipment	1,940	
Total		38,213
Veterinary examiners		750
Licensing of live poultry dealers		140
Soil conservation districts (10)		2,500
Grants:		
State soil conservation committee	\$ 300	
Eastern states exhibit	11,500	
Total		11,800

Total for department of agriculture	<u>\$515,107</u>
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Note 1: Any balance at June 30, 1969, in the pesticide control law account shall lapse at July 1, 1969, to the general fund.

Note 2: Other provisions of law notwithstanding, revenue received from: (a) pesticide control law economic poisons; (b) weights and measures inspection fees; and (c) pollorum-typhoid and P.P.L.O. testing shall be deposited with state treasurer as unrestricted general fund revenue.

For attorney general's department:

Administrative and general services:

Salary of attorney general	\$17,696
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Salary of deputy attorney general	15,600
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Salary of one assistant attorney general	14,040
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Other personal services:

Permanent	58,506
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Other	750
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Current expenses	6,550
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Travel:

In state	1,200
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Out of state	1,800
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Equipment	2,340
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Other expenditures:

subversive investigation*	100
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Commission on uniform laws	1,700
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Services of consultant on organized crime***	1,000
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Total	<u>\$121,282</u>
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Less estimated revenue	<u>12,000</u>
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Net appropriation	\$109,282
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*No part of this appropriation shall be expended without approval of the governor and council, and no part of said appropriation shall be transferred or expended for any other purpose. Any unexpended balance shall not lapse at June 30, 1970.

***Not to be transferred or expended for any other purpose.

Division of charitable trusts:

Salary of director	\$6,240
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Other personal services:

Permanent	12,346
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Other*	350
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Current expenses	950
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Travel:

In state	300
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Out of state	100
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Equipment	<u>300</u>
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Total	20,586
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*This appropriation to be expended for fees to probate registers only.
Legal assistance for land acquisition:

Salaries of three assistant attorneys general	\$40,104	
Other personal services:		
Permanent	27,926	
Current expenses	2,960	
Travel:		
In state	2,100	
Out of state	500	
Equipment	315	
Total	<u>\$73,905</u>	
Less transfer from highway fund	73,905	
Net appropriation		0
Division of criminal justice:		
Salaries of four assistant attorneys general	\$52,992	
Other personal services:		
Permanent	15,598	
Current expenses	2,800	
Travel:		
In state	1,250	
Out of state	500	
Equipment	1,190	
Total		<u>74,330</u>
Total for attorney general's department		<u><u>\$204,198</u></u>

Note: Notwithstanding any rule, regulation, or law to the contrary, unclassified positions may be filled at a salary in the salary range equal to or less than the salary paid at that time to any attorney in the classified personnel system.

For department of health and welfare:		
Office of commissioner of health and welfare:		
Salary of commissioner	\$18,200	
Other personal services:		
Permanent	231,868	
Other	2,500	
Current expenses	48,400	
Travel:		
In state	600	
Out of state	1,100	
Equipment	800	
Other expenditures:		
Oasi, retirement and insurance	24,000	
Total for office of commissioner		<u>\$327,468</u>
Advisory commission:		
Personal services:		
Other	\$1,100	
Current expenses	500	

Travel:		
In state		1,800
Out of state		200
		<hr/>
Total for advisory commission		3,600
Division of public health services:		
Administration:		
Salary of director	\$17,700	
Other personal services:		
Permanent	60,529	
Other	500	
Current expenses	19,000	
Travel:		
In state	2,100	
Out of state	7,125	
Equipment	2,800	
Other expenditures:		
Oasi and retirement	9,000	
Merit system	3,000	
Blue cross and insurance	1,200	
Apha exams	2,800	
	<hr/>	
Total	\$125,754	
Less estimated federal funds	50,581	
Less credit transfers	8,000	
	<hr/>	
Net appropriation		67,173
Special health services:		
Personal services:		
Permanent	\$34,596	
Other	17,200	
Current expenses	27,000	
Travel:		
In state	1,700	
Other expenditures:		
Sight conservation	29,000*	
	<hr/>	
Total	\$109,496	
Less estimated federal funds	48,178	
	<hr/>	
Net appropriation		61,318
*This appropriation shall not be transferred or used for any other purpose, including temporary help.		
Hospital services:		
Personal services:		
Permanent	\$72,246	
Other	5,000	
Current expenses	5,190	
Travel:		
In state	4,500	

Equipment	400
Other expenditures:	
Home health*	30,047
	<hr/>
Total	\$117,383
Less estimated federal funds	58,692
	<hr/>

Net appropriation 58,691

*Local support only, not to be transferred or used for any other purpose.

Vital statistics:

Personal services:	
Permanent	\$64,327
Other	800
Current expenses	8,500
Travel:	
In state	600
Other expenditures:	
Purchase cancer abstract	15,000
	<hr/>
Total	\$89,227
Less estimated federal funds	39,128
	<hr/>

Net appropriation 50,099

Public health nursing:

Personal services:	
Permanent	\$163,327
Other	2,250
Current expenses	12,420
Travel:	
In state	13,500
Other expenditures:	
Training	500
	<hr/>
Total	\$191,997
Less estimated federal funds	95,998
	<hr/>

Net appropriation 95,999

Communicable disease control:

Personal services:	
Permanent	\$50,298
Other	8,200
Current expenses	40,000
Travel:	
In state	2,000
Equipment	1,000
	<hr/>
Total	\$101,498
Less estimated federal funds	44,659
	<hr/>

Net appropriation	56,839
Dental public health:	
Personal services:	
Permanent	\$44,745
Other	28,000
Current expenses	2,600
Travel:	
In state	2,500
Equipment	1,252
	<hr/>
Total	\$79,097
Less estimated federal funds	34,803
	<hr/>

Net appropriation	44,294
Maternal child health and crippled children's services:	
Personal services:	
Permanent	\$75,698
Other	50,000
Current expenses	140,000
Travel:	
In state	2,200
Equipment	210
Other expenditures:	
Children's bureau	25,000
Cystic fibrosis	15,000
Rehabilitation*	150,000
Poison information center	3,700
	<hr/>
Total	\$461,808
Less estimated federal funds	230,904
	<hr/>

Net appropriation 230,904

*The division of investigation of accounts shall investigate the payment ability of liable persons as provided by RSA 8:40. Expenditure of this appropriation contingent upon 50-50 matching by federal funds.

Occupational health:	
Personal services:	
Permanent	\$91,692
Other	750
Current expenses	3,900
Travel:	
In state	4,800
Equipment	125
	<hr/>
Total	\$101,267
Less estimated federal funds	44,557
	<hr/>

Net appropriation 56,710

Air Pollution:

Personal services:

Permanent	\$15,385
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Other	5,580
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Current expenses	3,000
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Travel:

In state	3,000
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Out of state	500
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Equipment	8,983
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Other expenditures:

Training	750
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Total	\$37,198
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Less estimated federal funds	19,810
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Net appropriation	\$17,388
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Food and chemistry:

Personal services:

Permanent	\$145,100
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Other	1,000
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Current expenses	6,600
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Travel:

In state	16,000
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Total	\$168,700
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Less estimated federal funds	71,976
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Net appropriation	96,724
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Laboratory services:

Personal services:

Permanent	\$120,210
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Other	1,500
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Current expenses	27,000
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Equipment	3,600
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Total	\$152,310
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Less estimated federal funds	67,016
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Net appropriation	85,294
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Tuberculosis grant:

Personal services:

Other	\$34,600
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Current expenses	1,400
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Travel:

In state	3,500
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Out of state	500
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Total	\$40,000
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Less estimated federal funds	40,000
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Net appropriation	0
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Pre-school vision program:

Personal services:

Other \$32,145

Current expenses 1,800

Travel:

In state 3,820

Equipment 2,000

Other expenditures:

Indirect costs 6,672

Training 1,800

Total \$48,237

Less estimated federal funds 48,237

Net appropriation 0

Children and youth project:

Personal services:

Other \$70,000

Current expenses 30,000

Travel:

In state 4,000

Out of state 1,000

Equipment 2,000

Other expenditures 3,000

Total \$110,000

Less estimated federal funds 110,000

Net appropriation 0

Venereal disease project:

Current expenses \$1,000

Travel:

In state 4,000

Out of state 1,000

Total \$6,000

Less estimated federal funds 6,000

Net appropriation 0

Vaccination program:

Personal services:

Other \$11,000

Current expenses 6,500

Travel:

In state 1,500

Out of state 1,000

Total \$20,000

Less estimated federal funds 20,000

Net appropriation 0

Hospital construction	\$1,500,000	
Less estimated federal funds	<u>1,500,000</u>	
Net appropriation		0
Program on alcoholism:		
Personal services:		
Permanent	\$91,872	
Other	5,600	
Current expenses	7,200	
Travel:		
In state	3,200	
Out of state	<u>250</u>	
Total		<u>108,122</u>
Alcoholism — halfway house		
Personal services:		
Other	\$22,238	
Current expenses	12,752	
Other expenditures:		
Emergency medical care and miscellaneous	700	
Oasi and retirement	<u>1,170</u>	
Total	\$36,860	
Less estimated federal funds	<u>36,860</u>	
Net appropriation for alcohol- ism — halfway house		<u>\$ 0</u>
Net appropriation for the divi- sion of public health services		<u>\$1,029,555</u>
Sanatorium:		
Administration:		
Salary of superintendent	\$15,781	
Other personal services:		
Permanent	19,482	
Current expenses	2,200	
Travel:		
In state	500	
Out of state	500	
Equipment	<u>675</u>	
Total		<u>\$39,138</u>
Professional care:		
Personal services:		
Permanent	\$179,590	
Other*	16,000	
Current expenses	<u>15,000</u>	

Equipment	1,470	
Total		212,060
*In this appropriation is \$10,500 for consultation service which shall not be transferred or expended for any other purpose.		
Custodial care:		
Personal services:		
Permanent	\$86,934	
Other	2,200	
Current expenses	30,000	
Equipment	2,000	
Total		121,134
Operation of plant:		
Personal services:		
Permanent	\$69,749	
Other	400	
Current expenses	23,000	
Equipment	3,500	
Total		96,649
Maintenance of plant:		
Personal services:		
Permanent	\$7,163	
Current expenses	6,500	
Equipment	950	
Other expenditures:		
Hydro generation penstock repairs	1,500	
Generator coupling repairs	400	
Nurses' home roof repairs	500	
Replace refrigeration gas lines	500	
Steam line in service building	750	
Total		18,263
Total for sanatorium		\$487,244
Less maintenance refunds		7,000
Net appropriation for sanatorium		\$480,244
Total for division of public health services		1,509,799
Division of welfare:		
Administration:		
Salary of director	\$14,220	
Other personal services:		
Permanent	307,667	
Other	43,250	
Current expenses	41,000	
Travel:		
In state	6,000	

Out of state	2,500	
Equipment	4,640	
Other expenditures:		
Social security	93,168	
Blue cross and insurance	14,901	
Merit system	8,068	
Educational leave	15,000	
Advisory committees	1,000	
Employees' retirement	91,909	
Physical examinations	1,000	
Operational costs		
(title XIX)	155,000	
Total		\$799,323
Field services:		
Personal services:		
Permanent†	\$1,220,379	
Other	8,000	
Current expenses*	197,000	
Travel:		
In state	43,500	
Out of state	700	
Equipment	8,000	

Total	1,477,579
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*Within this appropriation \$114,550 shall be for rent of district offices and shall not be transferred or used for any other purpose.

†Salary and expenses of the OASDI field agent included in this appropriation shall be reimbursed to the state by the municipalities.

Child welfare services:

Personal services:	
Permanent	\$665,292
Other	7,000
Travel:	
In state	46,118
Out of state	3,000
Other expenditures:	
Educational leave	20,000
Institutes and conferences	500
Special children's fund	7,100
Specialized services	250
Foster care	6,000

Total	\$755,260
Less estimated federal funds	217,999

Net appropriation	537,261
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Blind services:

Personal services:	
Permanent	\$28,173

Current expenses	1,000	
Travel:		
In state	2,300	
Out of state	350	
Other expenditures:		
Education of blind	75,000	
Total		106,823
Vocational rehabilitation:		
Personal services:		
Permanent	\$42,649	
Current expenses	2,260	
Travel:		
In state	3,200	
Out of state	535	
Other expenditures:		
Case services	35,000	
Business enterprises	10,000	
In service training	1,700	
Disability insurance beneficiaries	20,000	
Total	\$115,344	
Less estimated federal funds	96,115	
Net appropriation		19,229
Blind workshop:		
Personal services:		
Permanent	\$32,532	
Current expenses	7,700	
Travel:		
In state	1,000	
Out of state	100	
Equipment	500	
Other expenditures:		
Rent*	4,900	
Total		46,732
*Shall not be transferred or expended for any other purpose.		
John Nesmith fund		3,700
Catalyst project:		
Other expenditures	\$2,750	
Less estimated federal funds	2,750	
Net appropriation		0
Gear-up project:		
Personal services:		
Other	\$16,277	
Current expenses	4,304	
Travel:		
In state	125	

Out of state	350	
Other expenditures:		
Oasi, retirement and insurance	1,290	
	<hr/>	
Total	\$22,346	
Less estimated federal funds	22,346	
	<hr/>	
Net appropriation		0
Old age assistance:		
State's share	\$1,042,030	
Less estimated revenue	125,000	
	<hr/>	
Net appropriation		917,030
Towns and counties	\$1,484,906	
Less estimated revenue	1,494,906	
	<hr/>	
Net appropriation		0
Federal	\$3,412,689	
Less estimated revenue	3,412,689	
	<hr/>	
Net appropriation		0
Old age assistance to aliens:		
Towns and counties	\$193,350	
Less estimated revenue	242,654	
	<hr/>	
Net appropriation		—49,304
Federal	\$253,073	
Less estimated revenue	253,073	
	<hr/>	
Net appropriation		0
Aid to families with dependent children:		
State's share:		
Grants	\$1,962,066	
WIN program	33,000	
Income disregard*	218,000	
Day care*	213,000	
Foster care*	312,000	
	<hr/>	
Total	\$2,738,066	
Less estimated revenue	140,000	
	<hr/>	
Net appropriation		2,598,066
Federal:		
Grants	\$2,806,796	
Income disregard	316,052	
Day care	639,000	
Foster care	452,331	
	<hr/>	
Total	\$4,214,179	
Less estimated revenue	4,214,179	
	<hr/>	

Net appropriation 0
 *This appropriation shall not be transferred or expended for any other purpose.

Aid to needy blind:

State's share	\$142,978
Less estimated revenue	3,500

Net appropriation	139,478
Federal	\$197,733
Less estimated revenue	197,733

Net appropriation	0
Aid to permanently and totally disabled:	
State's share	\$71,379
Less estimated revenue	8,500

Net appropriation	62,879
Towns and counties*	\$348,105
Less estimated revenue	348,105

Net appropriation	0
Federal	\$575,104
Less estimated revenue	575,104

Net appropriation	0
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*For the fiscal year ending June 30, 1971, the share which a county or town must reimburse the state for aid to the totally and permanently disabled persons for which such county or town is liable shall be thirty-five percent. Provisions of the law inconsistent with the provision hereof are hereby suspended until June 30, 1970.

Medical care and services:

Categorically needy	\$4,752,192
Medically needy	881,520

Total	\$5,633,712
Less local share	323,400
Less federal share	3,315,893

Net appropriation	1,994,419
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Total for division of welfare	\$8,653,215
Less town and county share of oasi administration	12,000
Less transfer re administration from federal grants	1,308,087
Less recoveries from past medical aid to the aged	5,000

Net appropriation for division of welfare	7,328,128
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Note 1: Other provisions of law notwithstanding, any balance remain-

ing in state accounts at the close of the fiscal year shall lapse to unappropriated surplus of the general fund.

Note 2: Payments to physicians and payments for medical care, or any other type of remedial care recognized under state law, furnished by licensed practitioners within the scope of their practice as defined by state law, shall be at a rate twenty percent less than usual and customary.

Payments to hospitals shall not exceed payments for more than twenty-one days hospitalization for any one illness without prior approval of the division of welfare.

Payments for drugs shall be twenty percent less than the amount arrived at for such payments pursuant to regulations, standards, schedules and plans in effect on the effective date of this act.

The division of welfare is directed and authorized to make continuing and detailed review of the utilization of hospital and physicians' services by welfare recipients.

Division of mental health:

Office of director:

Salary of director	\$28,350
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Other personal services:

Permanent	25,190
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Current expenses	4,575
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Travel:

In state	500
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Out of state	1,100
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Equipment	564
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Other expenditures	975
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Total	61,254
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Less federal funds	15,814
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Total	45,440
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Bureau of family care:

Personal services:

Permanent	\$23,398
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Current expenses	1,350
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Travel:

In state	700
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Out of state	100
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Other expenditures:

Payments for family care homes*	50,000
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Total	75,548
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*The division of investigation of accounts shall investigate and recommend recovery from recipients where payment ability exists.

Office of mental retardation:

Personal services:

Permanent	\$37,467
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Current expenses	2,300
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Travel:

In state	750
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Out of state	450	
Total		40,967
Office of community mental health services:		
Personal services:		
Permanent	\$13,602	
Current expenses	950	
Travel:		
In state	300	
Out of state	250	
Total		15,102
Other expenditures:*		
Grants to community mental health services	\$640,000‡	
Less federal funds	65,000	
Net appropriation		575,000
*These funds shall not be expended for any other purpose, shall be non-lapsing in the first year of the biennium, and if sufficient funds are not available for both years of the biennium for full implementation, these funds shall be prorated.		
‡This appropriation includes \$17,000 which shall be paid to the Moore school, Manchester, N. H.		
Total for office of director		\$752,057
Laconia state school:		
Administration:		
Salary of superintendent	\$17,280	
Salary of deputy superintendent	18,800	
Other personal services:		
Permanent	91,685	
Current expenses	3,500	
Travel:		
In state	750	
Out of state	500	
Total		\$132,515
Professional care and treatment:		
Personal services:		
Permanent	\$1,497,191	
Other	18,500	
Current expenses	49,949	
Travel:		
In state	50	
Equipment	7,500	
Total		1,573,190

Custodial care:

Personal services:

Permanent	\$299,019
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Other	3,200
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Current expenses	77,715
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Purchases from institution's farm†	77,500
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Purchases of food††	144,785
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Travel:

In state	100
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Equipment	8,000
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Total	610,319
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†In this appropriation \$77,500 shall be for products used from the institution's farm. No part of this amount shall be transferred to any other appropriation or expended for any other purpose. The institution's farm shall receive credit for all products used even though in excess of \$77,500.

††Shall not be transferred or used for any other purpose.

Operation of plant:

Personal services:

Permanent	\$91,038
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Current expenses	100,000
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Equipment	5,000
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Other expenditures:

Lumber*	2,000
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Total	198,038
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*This appropriation of \$2,000 shall be for lumber used from the institution's farm. No part of this amount shall be transferred to any other appropriation or expended for any other purpose. The institution's farm shall receive credit for all lumber used even though in excess of \$2,000.

Maintenance of plant:

Personal services:

Permanent	\$52,202
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Current expenses	20,000
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Equipment	1,600
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Other expenditures:

Care of grounds*	14,500
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Special maintenance projects**	20,000
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Total	108,302
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*The institution's farm shall receive credit for all supplies, work and services rendered even though in excess of \$14,500. No part of this appropriation shall be transferred or used for any other purpose.

**This appropriation of \$20,000 shall be used for patient facilities projects only. No part of this appropriation shall be transferred or expended for any other purpose.

Agriculture:

Personal services:

Permanent	\$74,844
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Other	1,750
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Current expenses	45,300	
Travel:		
In state	25	
Equipment	10,500	
	<hr/>	
Total	\$132,419	
Less credit transfers	94,000	
Less estimated revenue	10,000	
	<hr/>	
Net appropriation		28,419
Training and education:		
Personal services:		
Permanent	\$296,451	
Other	7,000	
Current expenses	9,000	
Travel:		
In state	1,000	
Equipment	1,400	
Other expenditures:		
Work incentive program	5,000	
	<hr/>	
Total		319,851

Note: As vacancies develop, the following cottage staffing organization, subject to governor and council approval, is authorized, but in amount not to exceed the appropriation for the eliminated positions.

<i>Positions Authorized</i>	<i>Positions Eliminated</i>
4 Cottage Parent II	5 Cottage Cooks
17 Cottage Watchmen	5 Cottage Parents
1 Rec. Aide	5 Cottage Watchmen
2 Cottage Coordinators	
Hospital improvement:	
Personal services:	
Other	\$88,670
Current expenses	5,030
Travel:	
Out of state	150
Equipment	1,000
Other expenditures:	
Hospitalization	150
Indirect costs	5,000
	<hr/>
Total	\$100,000
Less estimated federal funds	100,000
	<hr/>
Net appropriation	0
	<hr/>
Total for Laconia state school	\$2,970,634
Less refunds (maintenance)	16,000
	<hr/>
Net appropriation for Laconia	\$2,954,634
	<hr/>

New Hampshire hospital:

Administration:

Salary of superintendent	\$26,292
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Salary of assistant superintendent	20,013
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Other personal services:

Permanent	232,452
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Other	1,500
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Current expenses	40,000
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Travel:

In state	200
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Out of state	1,000
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Equipment	900
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Total

 \$322,357

Sanatorium patient care:*

Other expenditures:

Services — classified	\$26,567
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Current expenses	23,896
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Total

 50,463

*This appropriation based on transfer of 35 patients to the sanatorium. Employment of personnel or per diem payments shall be proportionately related to patients so transferred. These funds shall not be transferred or expended for any other purpose.

Research:

Other expenditures	32,000
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Professional care and treatment:

Personal services:

Unclassified	\$297,631
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Permanent	3,670,385
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Other	145,000
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Current expenses*	73,930
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Drugs:

Out patients†	27,000††
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In patients	148,000††
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Travel:

In state	4,000
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Out of state	2,500
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Equipment	20,000
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Total

 4,388,446

*No charge against this appropriation or any other appropriation of the New Hampshire hospital shall be made for nurses' uniforms.

†Payment ability for reimbursement to the state shall be the responsibility of the division of investigation of accounts.

††These amounts shall not be transferred or expended for any other purpose.

Note 1: 3 senior psychiatrists positions have been eliminated from unclassified personal services as of July 1, 1969.

Note 2: The following classified positions have been eliminated as of July 1, 1969:

- 1 Food service worker I
- 1 Building service worker I
- 1 Senior physician

Custodial care:

Personal services:

Permanent \$873,297

Other 12,000

Current expenses* 715,305

Travel:

In state 25

Equipment 25,000

Total 1,625,627

*In this appropriation \$100,000 shall be for products used from the institution's farm. No part of this amount shall be transferred to any other appropriation or expended for any other purpose. The institution's farm shall receive credit for all products used even though in excess of \$100,000.

Operation of plant:

Personal services:

Permanent \$218,352

Other 13,800

Current expenses 240,000

Travel:

In state 25

Equipment 17,500

Total 489,677

Maintenance of plant:

Personal services:

Permanent \$301,216

Other 350

Current expenses 69,000

Equipment 3,500

Other expenditures:

Contractual repairs* 56,000

Total 430,066

*This appropriation shall not be transferred or expended for any other purpose.

Agriculture:

Personal services:

Permanent \$86,794

Other 6,600

Current expenses 51,000

Travel:

In state 25

Equipment 1,575

Total	\$145,994	
Less credit transfers	100,000	
Less estimated revenue	24,200	
	<hr/>	
Net appropriation		21,794
Pathology laboratory:		
Personal services:		
Permanent	\$17,629	
Other	15,100	
Current expenses	750	
Equipment	1,276	
	<hr/>	
Total		34,755
Children's services:		
Personal services:		
Permanent	\$226,288	
Other	500	
Current expenses	8,300	
Travel:		
In state	200	
Out of state	350	
Equipment	825	
Other expenditures:		
Training program	1,000	
Consultants	4,500	
	<hr/>	
Total		241,963
In service training:		
Personal services:		
Other	\$21,790	
Current expenses	800	
Travel:		
In state	346	
Equipment	200	
Other expenditures:		
Oasi and retirement	1,864	
	<hr/>	
Total	\$25,000	
Less estimated federal funds	25,000	
	<hr/>	
Net appropriation		0
	<hr/>	
Total for New Hampshire hospital	\$7,637,148	
Less maintenance refunds	63,500	
	<hr/>	
Net appropriation for New Hampshire hospital		\$7,573,648
	<hr/>	
Total for division of mental health		11,280,339

Note 1: Any federal funds received for therapeutic education shall reduce the net general fund appropriation.

Note 2: Federal reimbursement for medicare shall be deposited with the state treasurer as unrestricted general fund revenue.

Office of comprehensive health planning:	
Personal services:	\$ 27,839
Permanent	1,000
Other	
Current expenses	3,600
Travel:	
In state	1,650
Out of state	860
Equipment	300
Other expenditures:	
Oasi, retirement, blue cross and insurance	4,272
	<hr/>
Total	\$ 39,521
Less estimated federal funds	29,641
	<hr/>
Net appropriation for office of comprehensive health planning	9,880
	<hr/>
Total for department of health and welfare	\$20,459,214
	<hr/> <hr/>
For barbers board:	
Personal services:	
Other	\$ 1,900
Current expenses	700
Travel:	
In state	1,200
Out of state	350
Other expenditures:	
Transfer to board of hairdressers for salary of clerk IV and temporary clerk-typist I	2,500
	<hr/>
Total for barbers board	\$ 6,650
	<hr/> <hr/>
For cancer commission:	
Personal services:	
Permanent	\$ 13,651
Other	29,500
Current expenses	87,880
Travel:	
In state	650
Equipment	1,800
	<hr/>
Total for cancer commission	\$133,481
	<hr/> <hr/>

For dental board:

Personal services:

Other \$ 1,930

Current expenses 450

Travel:

In state 150

Out of state 700

Total for dental board

\$ 3,230

For board of registration of funeral directors and embalmers:

Personal services:

Other \$ 735

Current expenses 650

Travel:

In state 400

Out of state 350

Other expenditures:

Training and examinations 350

Total for board of registration of funeral directors and embalmers

\$ 2,485

For board of hairdressers:

Personal services:

Permanent \$ 12,318

Other 3,000

Current expenses 1,650

Travel:

In state 2,000

Out of state 350

Equipment 429

Other expenditures:

Teachers seminar 500

Total

\$ 20,247

Less transfer from barbers board

2,500

Net appropriation for board of hairdressers

\$ 17,747

For board of registration in medicine:

Personal services:

Other \$ 2,000

Current expenses 8,000

Travel:

In state 175

Out of state 300

Equipment 105

Total for board of registration in medicine		\$ 10,580
For pharmacy commission:		
Personal services:		
Other	\$ 6,675	
Current expenses	900	
Travel:		
In state	1,000	
Out of state	500	
Equipment	350	
Total for pharmacy commission		\$ 9,425
For board of registration in podiatry:		
Personal services:		
Other	\$ 135	
Current expenses	100	
Travel:		
In state	50	
Total for board of registration in podiatry		\$ 285
For veterans council:		
Salary of director	\$ 10,000	
Other personal services:		
Permanent	21,394	
Current expenses	1,150	
Travel:		
In state	2,300	
Out of state	150	
Equipment	4,000	
Other expenditures:		
Veterans burials	4,000	
Total		\$ 42,994
Less estimated refunds		500
Net appropriation for veterans council		\$ 42,494
For insurance department:		
Office of commissioner:		
Salary of commissioner	\$ 14,360	
Salary of deputy commissioner	11,240	
Salary of assistant to commissioner	10,050	
Other personal services:		
Permanent*	97,427	
Other	5,000†	

Current expenses	18,000
Travel:	
In state	225
Out of state	2,500
Equipment	3,000

Total \$161,802

*This appropriation includes a position of insurance examiner who shall be classified in labor grade 29.

†This appropriation shall not lapse but shall be available for expenditures in fiscal 1971.

Rating division:

Personal services:	
Permanent	\$ 21,954
Current expenses	1,400
Travel:	
In state	50
Out of state	350
Equipment	850

Total 24,604

Total for insurance department \$186,406

For department of labor:

Office of commissioner:	
Salary of commissioner	\$ 13,500
Salary of deputy commissioner	9,256
Other personal services:	
Permanent	21,630
Other	1,690
Current expenses	8,000
Travel:	
In state	700
Out of state	1,000
Equipment	1,475

Total \$ 57,251

Inspection division:

Personal services:	
Permanent	\$ 65,142
Current expenses	3,000
Travel:	
In state	5,200
Equipment	2,150

Total 75,492

Workman's compensation division:

Personal services:	
Permanent	\$ 23,721

Current expenses	5,550	
Travel:		
In state	200	
Equipment	450	
	<hr/>	
Total		29,921
Division of labor statistics:		
Personal services:		
Permanent	\$ 33,693	
Current expenses	10,528	
Travel:		
In state	25	
	<hr/>	
Total		44,246
Boiler inspection:		
Personal services:		
Permanent	\$ 2,978	
Current expenses	184	
	<hr/>	
Total		3,162
Elevator inspection:		
Personal services:		
Permanent	\$ 993	
Current expenses	191	
	<hr/>	
Total		1,184
New Hampshire apprenticeship council:		
Other expenditures:		
Apprenticeship council		350
		<hr/>
Total for department of labor		\$211,606
		<hr/>

Note 1: Other provisions of law notwithstanding, the balance in the boiler inspection fund and the elevator inspection fund at June 30, 1969, shall lapse to the unappropriated surplus of the general fund.

Note 2: Other provisions of law notwithstanding, all revenue received by the department of labor shall be deposited with the state treasurer as unrestricted general fund revenue.

For personnel department:	
Salary of director	\$ 14,220
Salary of deputy director	11,988
Other personal services:	
Permanent	98,099
Other	2,495
Current expenses	8,600
Travel:	
In state	2,125
Out of state	600
Equipment	2,467
	<hr/>
Total	\$140,594

Less estimated revenue†	1,000
Less estimated federal funds	19,822
	<hr/>
Net appropriation for personnel department	<u>\$119,772</u>

†Revenue in excess of the estimate resulting from municipal examinations may be expended with prior approval of the governor and council.

For resources and economic development:

Office of commissioner:

Administration, warehouse and graphic arts:

Salary of commissioner \$17,004

Other personal services:

Permanent 145,384

Other 8,400

Current expenses 20,500

Travel:

In state 1,000

Out of state 1,800

Equipment 7,150

Total	<hr/>	\$201,238
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Design, development and maintenance:

Personal services:

Permanent \$110,581

Other 2,940

Current expenses 5,400

Travel:

In state 2,250

Out of state 100

Equipment 5,260

Total	<hr/>	\$126,531
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Less maintenance refunds		410
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Net appropriation		<hr/> 126,121
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Community recreation service:

Personal services:

Permanent \$ 14,371

Current expenses 1,646

Travel:

In state 1,208

Out of state 602

Total	<hr/>	17,827
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State geology:

Personal services:

Other \$ 2,000

Current expenses 3,500

Travel:

In state 150

Out of state	200	
Other expenditures:		
Geologic mapping	13,000	
Geology booklets	2,800	
	<hr/>	
Total		21,650
Other expenditures:		
New England regional commission	\$ 35,500	
New England river basins		
commission	10,000	
N. H.-Vt. development council	10,000	
Grants for experimental open		
dump burning	1,000	
	<hr/>	
Total		56,500
		<hr/>
Total for office of commissioner		\$423,336
Division of resources development:		
Salary of director	\$ 13,752	
Other personal services:		
Permanent	377,854	
Other†	61,500	
Current expenses	32,000	
Travel:		
In state	21,900	
Out of state	900	
Equipment	25,000	
Other expenditures:		
State's share of town prevention bills	3,000	
State's share of town warden training expenses	3,600	
State's share of special deputy training bills	2,000	
Repairs to machinery	3,000	
Repairs to buildings	3,000	
Silviculture	3,000	
	<hr/>	
Total		\$550,506
Less revenue:		
Clarke-McNary law — sections 2 and 4	105,000	
White pine blister rust	26,000	
Nursery seed orchard — title IV	10,000	
Forest pest and disease	15,000	
Other revenue	3,052	
	<hr/>	

Net appropriation for division of resources development 391,454

†In this appropriation \$31,000 shall be for the state's share of the county forestry program.

Division of economic development:	
Salary of director	\$ 14,040
Other personal services:	
Permanent	52,893

Other	3,500
Current expenses	41,800
Travel:	
In state	1,050
Out of state	900
Equipment	555
Other expenditures:	
Regional associations*	35,000

Total	<u>35,000</u>	\$149,738
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*This appropriation shall be equally divided between the six regional associations.

Industrial development:	
Salaries of three senior industrial agents	\$32,435
Other personal services:	
Permanent	77,152
Current expenses	13,600
Travel:	
In state	7,500
Out of state	9,000
Equipment	1,850

Total	<u>1,850</u>	141,537
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Planning and research:	
Personal services:	
Permanent	\$106,537
Current expenses	2,400
Travel:	
In state	2,800
Out of state	1,200
Equipment	600
Other expenditures:	
State and regional planning	8,200

Total	<u>8,200</u>	121,737
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Vacation travel promotion:	
Personal services:	
Permanent	\$ 82,977
Travel:	
In state	2,000
Out of state	4,000
Equipment	450
Other expenditures:	
Printing and binding	80,000
Advertising*	150,000
Montreal office	25,000
Boston office	18,422
Bulletin of vacation inquiries	1,600

Cooperative promotion, New England	5,000	
Total		<u>369,449</u>

*Legislative intent is that these funds may be used for in-state cooperative promotion with governor and council approval.

Total for division of economic development 782,461

Note 1: Authority is hereby granted to expend from the appropriation for Vacation travel promotion a sum not to exceed \$9,500 for expenses relative to the New York office, which shall be phased out prior to March 1970.

Urban planning assistance:

Personal services:	
Other	\$305,000
Current expenses	3,000
Travel:	
In state	2,000
Other expenditures	2,000
Total	<u>312,000</u>
Less revenue and balance*	<u>310,000†</u>

Net appropriation for urban planning assistance 2,000

*Any state earned income shall be deposited to the general fund.

†Revenue in excess of \$310,000 may be expended subject to prior approval by the governor and council.

Division of parks:

Administration:	
Salary of director	\$ 14,357
Other personal services:	
Permanent	37,783
Other	3,500
Current expenses	5,000
Travel:	
In state	1,500
Out of state	500
Equipment	2,100
Other expenditures:	
Parks promotion*	55,000
National conference on state parks to be held in New Hampshire	1,500
Total	<u>\$121,240</u>

*This appropriation includes \$2,000 for Sunapee band concerts which shall not be transferred or expended for any other purpose.

Self-supporting parks:

Personal services:	
Permanent	\$463,943

Other	182,920
Current expenses	132,710
Travel:	
In state	750
Out of state	300
Equipment	35,000
Other expenditures:	
Major repairs†	25,000
Snow making**	41,760
Engineering study**	3,000
	<hr/>
Total	885,383

Note: Other provisions of law notwithstanding, the division of parks shall not be required to carry fire, extended coverage or inland marine insurance.

†No part of this appropriation shall be transferred or expended for any other purpose. Travel expenses incidental to major repair projects may be considered as a proper charge against this appropriation.

**This appropriation shall not be transferred or expended for any other purpose; authorized expenditures may include personal services and current expenses.

Service parks:

Personal services:	
Permanent	\$ 90,246
Other	390,811
Current expenses	110,000
Travel:	
In state	2,000
Equipment	25,000
Other expenditures:	
Major repairs*	20,000
	<hr/>

Total	638,057
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*No part of this appropriation shall be transferred or expended for any other purpose. Travel expenses incidental to major repair projects may be considered as a proper charge against this appropriation.

Bonds and interest:†

Chapter 337, laws of 1955	
Issue of 1959	\$ 29,989
Chapter 293, laws of 1957	
Issue of 1959	31,419
Chapter 297, laws of 1959	
Issue of 1961	10,420
Chapter 264, laws of 1961	
Issue of 1963	44,160
Chapter 263, laws of 1961	
Issue of 1963	278,400
Chapter 263, laws of 1961	
Issue of 1965	305,600

Chapter 263, laws of 1961

Issue of 1969

20,000

Total bonds and interest

719,988

†No part of this appropriation shall be transferred or expended for any other purpose.

Oasi, retirement and blue cross

24,075

Total

\$2,388,743

Less revenue

2,100,000

Net appropriation for division of parks

288,743

Note 1: Other provisions of law notwithstanding, the balance in the recreation fund at June 30, 1970, shall lapse to the unappropriated surplus of the general fund.

Note 2: All outstanding ski passes shall be voided as of October 30, 1969, and no passes issued by the department thereafter shall be transferable.

Hampton special services:

Personal services:

Other†

\$ 30,609

Current expenses

2,500

Travel:

In state

50

Total

\$ 33,159

Less estimated revenue

10,000

Net appropriation for Hampton special services

23,159

†This appropriation includes \$5,934 for six (6) laborers for beach cleaning and \$1,200 for two (2) laborers for meter area cleaning, and no part of these amounts shall be transferred or expended for any other purpose.

Hampton beach parking facility:

Personal services:

Other

\$ 9,500

Current expenses

5,500

Travel:

In state

100

Equipment

1,725

Other expenditures:

Beach nourishment

10,000

Hampton sea wall bonds and interest

83,163

Total

\$109,988

Less estimated revenue

40,000

Net appropriation for Hampton beach parking facility

69,988

Total for department of resources and economic development		<u><u>1,981,141</u></u>
Industrial development authority:†		
Personal services:		
Permanent	\$ 20,916	
Other	1,000	
Current expenses	5,100	
Travel:		
In state	2,000	
Out of state	350	
Equipment	500	
Total for industrial development authority		<u><u>\$ 29,866</u></u>

†Authority is hereby given to utilize so much as may be necessary of any surplus accumulated during fiscal 1969 within the agency without the use of any other state funds, as may be specifically approved by the governor and council.

For department of safety:		
Office of commissioner:		
Salary of commissioner	\$ 17,160	
Other personal services:		
Permanent	85,826	
Current expenses	6,500	
Travel:		
In state	1,000	
Out of state	800	
Equipment	2,400	
Other expenditures:		
Oasi and retirement	7,509	
Blue cross and insurance	577	
Consultants	5,000*	
Total		<u><u>\$126,772</u></u>

*Shall not be expended without prior approval of governor and council.

Data processing section:		
Personal services:		
Permanent	\$ 48,648	
Current expenses	58,035	
Travel:		
Out of state	100	
Other expenditures:		
Oasi and retirement	3,010	
Blue cross and insurance	184	
Conversion of auto registrations*	60,000	
Total		<u><u>\$169,977</u></u>

Total for office of commissioner	\$296,749
Less transfer from highway fund	282,162

Net appropriation for office of commissioner \$ 14,587

*No part of this appropriation shall be transferred or expended for any other purpose, and shall be available for expenditure until June 30, 1971.

Division of motor vehicles:

Administration:

Salary of director \$ 12,168

Other personal services:

Permanent 264,855

Other 48,000

Current expenses 305,300

Travel:

In state 1,000

Out of state 300

Equipment 1,640

Other expenditures:

Oasi and retirement 23,678

Blue cross and insurance 1,654

Total \$658,595

Motor vehicle revenue investigations:

Personal services:

Permanent \$30,522

Travel:

In state 5,000

Equipment 4,400

Total \$ 39,922

Road toll section:

Personal services:

Permanent \$ 61,593

Current expenses 1,900

Travel:

In state 2,100

Out of state 3,000

Equipment 80

Other expenditures:

Oasi and retirement 4,643

Blue cross and insurance 267

Total \$ 73,583

Total for division of motor vehicles \$772,100

Less transfer from highway funds 772,100

Net appropriation for division of
motor vehicles

Note: Motor vehicle registration revenue and license revenue in excess of estimates may be expended upon prior approval of the governor and council for costs related to increased motor vehicle registrations and increased licenses respectively.

Initial plate fund:

Personal services:

Permanent \$ 16,675

Current expenses 11,000

Travel:

In state 1,000

Out of state 500

Equipment 40

Other expenditures:

Oasi, retirement, blue cross and insurance 1,389

Drivers assistance* 200,000

Local police training school 4,000

Total \$234,604

Less estimated revenue** 234,604

Net appropriation for initial plate fund 0

*The commissioners of safety and education to recommend to governor and council a more realistic per-pupil reimbursement of driver training assistance. Not to be transferred or expended for any other purpose.

**Other provisions of law notwithstanding, the balance in the initial plate fund at June 30, 1970, shall not lapse but shall be carried forward to July 1, 1970.

Certificate of title:

Personal services:

Permanent \$135,242

Current expenses 42,310

Travel:

In state 2,000

Out of state 500

Other expenditures:

Oasi and retirement 10,656

Blue cross and insurance 1,314

Total \$192,022

Less transfer from highway funds 192,022

Net appropriation for certificate of title 0

Snowmobile section:†

Current expenses 1,600

†Other provisions of law notwithstanding, revenue received from the snowmobile section shall be deposited with the state treasurer as unrestricted general fund revenue.

Division of safety services:

Salary of director \$ 11,856

Salary of fire marshal	11,110	
Other personal services:		
Permanent	175,958	
Other	76,000	
Current expenses	76,000	
Travel:		
In state	48,500	
Out of state	1,200	
Equipment	40,000	
Other expenditures:		
Oasi and retirement	18,488	
Blue cross and insurance	1,000	
Civil defense and rescue training center	500	
Total	\$460,612	
Less transfer from highway fund	299,398	
Net appropriation for division of safety services		161,214
Motorcycle licensing:		
Personal services:		
Permanent	\$ 19,650	
Current expenses	400	
Travel:		
In state	3,000	
Total	\$ 23,050	
Less transfer from highway fund	23,050	
Net appropriation for motorcycle licensing		0
Tramway board:		
Personal services:		
Permanent	\$ 8,975	
Current expenses	150	
Travel:		
In state	760	
Out of state	210	
Other expenditures:		
Oasi and retirement	650	
Blue cross and insurance	60	
Total for tramway board		10,805
Division of state police:		
Traffic bureau:		
Salary of director	\$ 14,040	
Other personal services:		
Permanent	1,205,237	
Other	1,500	
Current expenses	103,830	
Travel:		
In state	213,100	

Out of state	1,500
Equipment	182,525
Other expenditures:	
Oasi and retirement	68,210
Blue cross and insurance	5,641
For new troopers:	
Training	2,900
Automobiles	16,800
Radios	4,200
Uniforms and equipment	4,200
Oasi, retirement, blue cross and insurance	2,771
Auxiliary police	10,000
Ammunition	2,920
Board, training and care of five (5) dogs	2,000
Total	<u>\$1,841,374</u>
Less estimated revenue	50,000
Less transfers from turnpikes	151,300
Less transfers from highway fund	<u>1,640,074</u>

Net appropriation for traffic bureau 0

Note 1: Trooper dog handlers shall be classified as corporal technicians.

Note 2: Commissioner of safety shall replace not less than 10 troopers at headquarters and division offices with clerks or radio dispatchers.

Detective bureau:

Personal services:	
Permanent	\$115,685
Current expenses	15,000
Travel:	
In state	6,600
Out of state	500
Equipment	12,900
Other expenditures:	
Oasi and retirement	7,458
Blue cross and insurance	552
Total for detective bureau	<u>158,695</u>

Communications section:

Personal services:	
Permanent	\$ 90,178
Current expenses	17,050
Travel:	
In state	4,115
Equipment	21,600
Other expenditures:	
Oasi and retirement	5,793
Blue cross and insurance	401

Total	\$139,137	
Less transfer from highway fund	118,266	
Net appropriation for communications section		20,871
Net appropriation for division of state police		179,566
Total for department of safety		\$367,772
For state coordinator of highway safety:		
Salary of coordinator	\$ 15,720	
Other personal services:		
Permanent	19,406	
Other	7,326	
Current expenses	6,210	
Travel:		
In state	4,005	
Out of state	1,840	
Equipment	7,450	
Other expenditures:		
Oasi and retirement	2,787	
Blue cross and insurance	135	
Total	\$ 64,879	
Less estimated federal funds	32,439	
Less transfer from highway fund	32,440	
Net appropriation for state coordinator of highway safety		\$ 0
For secretary of state:		
Office of secretary:		
Salary of secretary	\$ 16,060	
Salary of deputy secretary	13,300	
Other personal services:		
Permanent	53,047	
Other*	3,969	
Current expenses	10,000	
Travel:		
In state	125	
Out of state	350	
Equipment	475	
Total		\$ 97,326
*This appropriation shall not lapse until June 30, 1971.		
Elections division:		
Personal services:		
Other†	\$ 1,500	

Current expenses†	1,600	
Travel:		
In state	75	
Other expenditures:		
Printing and binding†	50,000	
	<hr/>	
Total		53,175
†These appropriations shall not lapse until June 30, 1971.		
Xerox division:		
Personal services:		
Permanent	\$ 4,725	
Other	273	
Current expenses	7,000	
	<hr/>	
Total	\$ 11,998	
Less estimated revenue*	3,500	
	<hr/>	

Net appropriation 8,498

*Revenue in excess of the estimate may be expended with prior approval of the governor and council.

Other expenditures:

Trading stamps:	\$ 500
Auctioneers	500
Binding, printing, and distribution of advance sheets, session laws, pamphlet laws, permanent house journals, permanent senate journals, and the manual of the general court*	117,000
	<hr/>

Total 118,000

Total for secretary of state \$276,999

*This appropriation shall not lapse until June 30, 1971, shall be used for this purpose only, and may not be transferred. In the event the appropriation is insufficient to pay for items for which it is appropriated, the additional funds needed shall be transferred at the request of the President of the Senate and Speaker of the House, with the approval of the fiscal committee, from funds available in the legislative appropriation.

For board of accountancy:

Personal services:	
Other	\$ 1,175
Current expenses	1,100
Travel:	
In state	50
	<hr/>

Total for board of accountancy \$ 2,325

For board of registration for architects:

Personal services:	
Other	\$ 2,000

Current expenses	1,000	
Travel:		
In state	400	
Out of state	500	
Total for board of registration for architects		<u>\$ 3,900</u>
For state athletic commission:*		
Personal services:		
Other	\$ 450	
Current expenses	75	
Travel:		
In state	250	
Total for state athletic commission		<u>\$ 775</u>

*The provisions of RSA 285:2 are hereby suspended for the fiscal year ending June 30, 1970. During fiscal year 1970, the chairman-secretary shall receive ten dollars a day when engaged in the performance of his duties under the provisions of this chapter, together with his actual travelling and other necessary expenses. The other two commissioners shall receive ten dollars a day, travel and other necessary expenses incurred when engaged in the actual performance of their duties at the call of the chairman.

For board of chiropractic examiners:		
Personal services:		
Other	\$ 2,300	
Current expenses	400	
Travel:		
In state	900	
Out of state	200	
Total for board of chiropractic examiners		<u>\$ 3,800</u>
For board of professional engineers:		
Personal services:		
Other	\$ 6,380	
Current expenses	3,605	
Travel:		
In state	190	
Out of state	570	
Equipment	65	
Total for board of professional engineers		<u>\$ 10,810</u>

Note: Other provisions of law notwithstanding, all revenue received by the board of professional engineers shall be deposited with the state treasurer as unrestricted general fund revenue.

For board of registration in optometry:	
Personal services:	
Other	\$ 480

Current expenses	355	
Travel:		
In state	180	
Out of state	245	
Total for board of registration in optometry		\$ 1,260
For board of psychologists:		
Personal services:		
Other	\$ 50	
Current expenses	200	
Travel:		
In state	50	
Out of state	100	
Total for board of psychologists		\$ 400
For state library:		
Administration:		
Salary of librarian	\$ 12,540	
Salary of assistant librarian	10,860	
Other personal services:		
Permanent	180,916	
Other	1,500	
Current expenses	25,000	
Travel:		
In state	3,900	
Out of state	350	
Equipment*	93,095	
Total		\$328,161
*In this appropriation \$17,000 is for motor vehicles, and no part of this amount shall be transferred or expended for any other purpose.		
State aid:		
Grants-in-aid to libraries		40,000
Library services and construction act:		
Title I:		
Personal services:		
Permanent	\$123,745	
Other	2,500	
Current expenses	17,450	
Travel:		
In state	2,150	
Out of state	1,000	
Equipment*	36,358	
Other expenditures:		
Social security	11,913	
Training and scholarships**	4,000	
Total	\$199,116	

Less estimated federal funds	199,116	
	<hr/>	
Net appropriation		0
*In this appropriation \$35,168 is for books.		
**This appropriation shall not be transferred or expended for any other purpose.		
Title II:		
Other expenditures:		
Construction additions and remodeling	\$199,453	
Less estimated federal funds	199,453	
	<hr/>	
Net appropriation		0
Title III:		
Personal services:		
Permanent	\$ 4,550	
Current expenses	15,139	
Equipment	5,350	
Other expenditures:		
Grants	15,000	
Social security	415	
	<hr/>	
Total	\$ 40,454	
Less estimated federal funds	40,454	
	<hr/>	
Net appropriation		0
Title IV A:		
Personal services:		
Permanent	\$ 12,015	
Current expenses	600	
Travel:		
In state	400	
Out of state	200	
Equipment	19,608	
Other expenditures:		
Grants	3,999	
Social security	1,178	
	<hr/>	
Total	\$ 38,000	
Less estimated federal funds	38,000	
	<hr/>	
Net appropriation		0
Title IV B:		
Personal services:		
Permanent	\$ 16,167	
Current expenses	10,800	
Travel:		
In state	300	
Out of state	250	
Equipment	8,620	
Other expenditures:		

Social security	1,603	
Total	<u>\$ 37,740</u>	
Less estimated federal funds	<u>23,750</u>	
Net appropriation		13,990
Centralized catalog card service:		
Personal services:		
Permanent	\$ 7,701	
Current expenses	6,318	
Equipment	205	
Other expenditures:		
Social security	<u>776</u>	
Total	<u>\$ 15,000</u>	
Less estimated revenue	<u>15,000</u>	
Net appropriation		0
Total for state library		<u><u>\$382,151</u></u>
For state treasury:		
Administration:		
Salary of treasurer	\$ 16,097	
Salary of deputy treasurer	13,097	
Other personal services:		
Permanent	122,079	
Other	2,800	
Current expenses	28,728	
Travel:		
In state	100	
Out of state	670	
Equipment	<u>3,190</u>	
Total		\$186,761
Trust funds:		
Agricultural college fund	\$ 4,800	
Hamilton Smith fund	400	
Benjamin Thompson fund	<u>31,896</u>	
Total		37,096
Expense re head tax		150
Bounties — payments to cities and towns*		7,000
Retirement division:		
Salary of assistant state treasurer	\$ 10,596	
Other personal services:		
Permanent	70,721	
Other	500	
Current expenses	7,015	
Travel:		
In state	<u>1,000</u>	

Out of state	200
Equipment	2,740
Other expenditures:**	
Consulting services	2,500
Consulting actuary	22,000
Normal contribution	1,298,193
Accrued liability contribution	1,015,000
Investment counsel	26,000
Hospitalization and group life insurance	180,000
Total	<u>\$2,636,465</u>
Less:	
Administrative costs charged to political subdivisions	18,000
Reimbursement of group life and hospitalization from federal and self-sustaining departments	30,000
Net appropriation	<u>2,588,465</u>
Total	<u>\$2,819,472</u>
Less transfer from highway fund	22,528
Net appropriation for state treasury	<u><u>\$2,796,944</u></u>

*This appropriation shall be a continuing appropriation and shall not lapse.

**None of the individual amounts appropriated under other expenditures shall be transferred or expended for other than the stated purpose.

For industrial school:

Administration:	
Salary of superintendent	\$ 15,600
Salary of deputy superintendent	10,000
Other personal services:	
Permanent	35,203
Current expenses	8,700
Travel:	
In state	400
Out of state	700
Equipment	1,315
Total	<u>\$ 71,918</u>
Instruction	
Personal services:	
Permanent	\$ 68,979
Other	5,875
Current expenses	1,800
Equipment	900
Total	<u>77,554</u>

Custodial care:†

Personal services:

Permanent

\$421,778

Other*

17,000

Current expenses**

84,650

Equipment

5,000

Total

528,428

†Such sums as may be required for the custody of certain inmates shall be transferred from the emergency fund upon approval by the governor and council.

*In this appropriation \$7000 is for psychiatric diagnostic service, and no part of this amount shall be transferred or expended for any other purpose.

**In this appropriation \$60,000 is for food and no part of this amount shall be transferred or expended for any other purpose.

Auxiliary to custodial care:

Personal services:

Other

8,000

Operation of plant:

Personal services:

Permanent

\$ 28,972

Other

225

Current expenses

39,000

Equipment

4,495

Total

72,692

Maintenance of plant:

Personal services:

Permanent

\$ 45,241

Other

1,525

Current expenses

10,000

Equipment

110

Other expenditures:

Repairs and renovations*

50,000

Total

106,876

*This appropriation shall not lapse until June 30, 1971.

Boys' and girls' benefit fund:

Current expenses

5,700

Parole:

Personal services:

Permanent

\$ 58,278

Current expenses

500

Travel:

In state

4,000

Out of state

650

Equipment

260

Total

63,688

Total		\$934,856
Less refunds (maintenance)		7,000
		<hr/>
Net appropriation for industrial school		\$927,856
		<hr/>
For soldiers' home:		
Office of the commandant:		
Salary of commandant	\$ 9,028	
Other personal services:		
Permanent	9,640	
Other	575	
	<hr/>	
Total		\$ 19,243
Custodial care:		
Personal services:		
Permanent	\$ 34,613	
Other	2,954	
	<hr/>	
Total		37,567
Professional care and treatment:		
Personal services:		
Permanent	\$ 76,438	
Other	6,000	
	<hr/>	
Total		82,438
Operation and maintenance of plant:		
Personal services:		
Permanent	\$ 14,110	
Other	500	
Current expenses	45,000	
Travel:		
In state	800	
Equipment*	6,800	
Other expenditures:		
Repairs and renovations	9,638	
	<hr/>	
Total		76,848
		<hr/>
*Vehicle with plow shall be purchased out of these funds.		
Total		\$216,096
Less refunds (maintenance)		200
Less revenue and balance		145,800
		<hr/>
Net appropriation for soldiers' home		\$ 70,096
		<hr/>
For state prison:		
Administration:		
Salary of warden	\$ 15,746	
Other personal services:		
Permanent	19,171	

Other	300	
Current expenses	3,007	
Travel:		
In state	800	
Out of state	425	
Equipment	450	
Total		\$ 39,899
Instruction:		
Personal services:		
Other		11,080
Custodial care:		
Salary of deputy warden		\$ 10,180
Other personal services:		
Permanent*	354,353	
Other	33,530	
Current expenses**	120,000	
Equipment	935	
Other expenditures:		
Custody of certain inmates†	6,000	
Total		524,998

*The position of housekeeper included herein shall be deleted when the present incumbent retires.

**In this appropriation \$21,000 shall be for products used from the institution's farm, and no part of this amount shall be transferred or expended for any other purpose. The institution's farm shall receive credit for all products used even though in excess of \$21,000.

†This appropriation shall be available for the custody of unmanageable inmates in out-of-state institutions or federal penitentiaries when no suitable institution exists in New Hampshire. Any payments out of this appropriation shall be made with approval of the governor and council. This fund may also be used for such inmates who have been sent to such out-of-state institutions from the Laconia state school and the New Hampshire hospital. No part of this appropriation shall be transferred to any other appropriation or expended for any other purpose.

Auxiliary to prison care and custody:

Personal services:		
Other	\$ 12,888	
Current expenses	7,680	
Other expenditures:		
Awards — gate money	4,800	
Total		25,368
Operation of plant:		
Personal services:		
Permanent	\$ 32,439	
Other	275	
Total		32,714

Maintenance of plant:		
Current expenses	\$ 11,500	
Equipment	2,490	
	<hr/>	
Total		13,990
Agriculture:		
Personal services:		
Permanent	\$ 15,903	
Other	3,700	
Current expenses	24,428	
Equipment	6,825	
Other expenditures:		
Butchering, curing meats and registry fees	675	
	<hr/>	
Total	\$ 51,531	
Less credit transfer	21,000	
Less estimated revenue	30,000	
	<hr/>	
Net appropriation		531
Parole:		
Salary of parole officer	\$ 11,063	
Other personal services:		
Permanent	24,596	
Other	600	
Current expenses	1,200	
Travel:		
In state	1,700	
Out of state	350	
Equipment	1,700	
	<hr/>	
Total		41,209
Prison industries:		
Personal services:		
Permanent	\$108,511	
Other	14,200	
Current expenses	208,000	
Travel:		
In state	50	
Out of state	275	
Equipment	5,100	
	<hr/>	
Total	\$336,136	
Less estimated revenue and credits	315,497	
	<hr/>	
Net appropriation		20,639
		<hr/>
Total		\$710,428
Less refunds (maintenance)		2,863
		<hr/>
Net appropriation for state prison		\$707,565
		<hr/>

For higher education fund:

University of New Hampshire	\$7,872,031
Keene state college	1,255,864
Plymouth state college	1,096,238
Debt service*	2,375,867

Total for higher education fund†	\$12,600,000
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For extension work in counties	\$111,400
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Educational TV	\$250,000
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*This appropriation shall not be transferred or expended for any other purpose. Debt service charges for all residence halls, dining halls and student unions shall be from the special fund maintained for income received from the collection of rents and the income therefrom.

†For the fiscal year ending June 30, 1970, the millage formula provided by RSA 187:24 is hereby suspended, and the sums hereby appropriated shall be the total appropriation for the University of New Hampshire, Plymouth state college, and Keene state college, and shall be in lieu of requirements for appropriation under said RSA 187:24.

Note: Out-of-state tuition shall be set annually by the Board of Trustees at a figure which reflects actual cost of per capita operating costs including instructional expenses, overhead, and bond retirement (excluding self-liquidating bonds) as determined by the costs in the fiscal year just preceding the first of January for the fiscal year in which the tuition is to be charged.

For higher education facilities commission:

Personal services:	
Other	\$ 12,500
Current expenses	2,000
Travel:	
In state	200
Out of state	1,500
Other expenditures	34,000

Total	\$ 50,200
Less estimated federal funds	50,200

Net appropriation for higher education facilities commission	\$ 0
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For board of education:

Administration:	
Salary of commissioner	\$ 17,340
Salary of deputy commissioner	14,040
Other personal services:	
Permanent	266,614
Other	1,400
Current expenses	21,800

Travel:		
In state	9,400	
Out of state	2,650	
Equipment	3,100	
Other expenditures:		
Employees' benefits	1,834	
Curriculum and conferences	2,000	
	<hr/>	
Total	\$340,178	
Less estimated federal funds	26,211	
	<hr/>	
Net appropriation		\$313,967
Safety and driver education:		
Personal services:		
Permanent	\$ 12,839	
Current expenses	750	
Travel:		
In state	1,000	
Out of state	300	
Equipment	975	
	<hr/>	
Total	\$ 15,864	
Less—transfer from department of safety		
—initial plate fund	7,932	
Less—estimated federal funds	7,932	
	<hr/>	
Net appropriation		0
State wide supervision:		
Other expenditures:		
Salaries and travel of superintendents, assistant		
superintendents, and teacher consultants†	\$1,375,496	
Superintendents' conference	1,400	
	<hr/>	
Total	\$1,376,896	
Less revenue from school districts	1,064,746	
	<hr/>	
Net appropriation		312,150
†The state board of education shall receive for disbursement sums paid by school districts for the additional salaries of superintendents under the provisions of RSA 189:44. In the above appropriation \$1,064,746 shall come from funds received under RSA 189:44, and the state's share shall not exceed \$310,750.		
Education of deaf:		
Current expenses*	\$450,000	
Less estimated revenue	72,435	
	<hr/>	
Net appropriation		377,565

*These funds shall be for payments to schools for board, room and tuition and shall not be expended for any other purpose, and no transfer shall be made therefrom. These funds shall not lapse at June 30, 1970.

Education of handicapped children:

Other expenditures:

Grants to approved programs, as provided by

RSA 186-a

\$117,636

Less estimated revenue

14,937

Net appropriation

102,699

Foundation aid:

State aid to school districts*

4,089,250

*This appropriation shall not be transferred or expended for any other purpose.

Unorganized districts aid:

Tuition and transportation*

\$ 15,000

Less estimated revenue

15,000

Net appropriation

0

*Funds received from assessments against unincorporated places for benefit of public schools may be used for tuition and transportation upon approval of the governor and council. These funds shall not lapse at June 30, 1970.

School building construction:

Other expenditures:

Aid to school districts for school
building construction*

3,368,867

*These funds shall not be expended for any other purpose, and no transfers shall be made therefrom. Funds shall be distributed under provisions of RSA 198:15 a to e inclusive.

Reorganization incentive aid to cooperative
and area school districts

549,909

Intellectually retarded children

219,554

Emotionally disturbed children

40,000

Special appropriation:

Other expenditures*

75,000

*To be spent at the discretion of the commissioner of education with respect to need for case services in the area of deaf, emotionally disturbed, physically handicapped, and intellectually handicapped children.

School lunch and milk programs — federal:

Other expenditures:

Reimbursements to school districts for:

School lunch program

\$470,000

Special milk program

457,000

Total†

\$927,000

Less estimated federal funds†

927,000

Net appropriation

0

†If the revenue received exceeds the estimate, such excess may be expended with approval of the governor and council.

Child nutrition act:		
Non-food assistance	\$ 5,000	
School breakfast program	35,000	
	<hr/>	
Total	\$ 40,000	
Less estimated federal funds	40,000	
	<hr/>	
Net appropriation		0
National defense education act — title III:		
Personal services:		
Permanent	\$ 41,971	
Current expenses	5,000	
Travel:		
In state	2,200	
Out of state	750	
Equipment	425	
Other expenditures:		
Oasi, retirement and insurance	1,800	
Curriculum studies and conferences	1,500	
Reimbursements to school districts	200,000	
	<hr/>	
Total	\$253,646	
Less estimated federal funds	226,823	
	<hr/>	
Net appropriation		26,823
National defense education act — title V:		
Personal services:		
Permanent	\$ 11,140	
Current expenses	1,550	
Travel:		
In state	775	
Out of state	200	
Other expenditures:		
Reimbursements to school districts	53,033	
Oasi, retirement and insurance	600	
	<hr/>	
Total	\$ 67,298	
Less estimated federal funds	60,165	
	<hr/>	
Net appropriation		7,133
National defense education act — title X:		
Personal services:		
Permanent	\$ 18,372	
Current expenses	8,500	
Travel:		
In state	100	
Out of state	350	
Other expenditures:		
Employees benefits	900	
	<hr/>	
Total	\$ 28,222	

Less estimated federal funds	14,111	
	<hr/>	
Net appropriation		14,111
Fire service training:		
Personal services:		
Permanent	\$ 9,564	
Other	1,000	
Current expenses	1,000	
Travel:		
In state	1,000	
Out of state	200	
Equipment	1,146	
Other expenditures:		
District training, training institute, and training aids and equipment	22,230	
Employees' benefits	860	
	<hr/>	
Total	\$ 37,000	
Less estimated federal funds	19,000	
	<hr/>	
Net appropriation		18,000
Scholarships		2,700
Manpower development and training:		
Personal services:		
Permanent	\$ 29,029	
Other	1,000	
Current expenses	3,400	
Travel:		
In state	2,000	
Out of state	500	
Other expenditures:		
Oasi, retirement and insurance	2,375	
Approved projects and in service	200,000	
	<hr/>	
Total	\$238,304	
Less estimated federal funds	218,304	
	<hr/>	
Net appropriation		20,000
Vocational education acts:		
Personal services:		
Permanent	\$147,891	
Other	2,500	
Current expenses	8,025	
Travel:		
In state	6,500	
Out of state	2,950	
Equipment	1,193	
Other expenditures:		
Oasi, retirement and insurance	11,287	
Area vocational schools, apprentice- ship training, reimbursement to		

local school districts, state institutes, teacher education, re- search, construction, equipment and other expenditures as permitted by vocational education acts	910,104	
Total	\$1,090,450	
Less estimated federal funds	975,373	
Net appropriation		115,077
Vocational rehabilitation:		
Personal services:		
Permanent	\$272,452	
Other	1,000	
Current expenses	36,367	
Travel:		
In state	25,728	
Out of state	5,748	
Equipment	19,191	
Other expenditures:		
Oasi, retirement and insurance	25,320	
Case services	496,021	
In service training	2,000	
Total	\$883,827	
Less estimated federal funds	707,262	
Net appropriation		176,565
Disability determinations — federal:		
Personal services:		
Permanent	\$ 51,137	
Other	2,000	
Current expenses	9,889	
Travel:		
In state	470	
Out of state	1,420	
Equipment	1,593	
Other expenditures:		
Oasi, retirement and insurance	5,282	
Medical consultations and examinations	50,000	
Clients' travel	2,500	
Total	\$124,291	
Less estimated federal funds	124,291	
Net appropriation		0
Vocational rehabilitation — cooperative program — federal:		
Personal services:		
Permanent	\$353,451	
Current expenses	16,400	

Travel:	
In state	20,650
Out of state	7,590
Equipment	23,500
Other expenditures:	
Employees' benefits	20,289
Other	219,499
	<hr/>
Total	\$661,379
Less estimated federal funds*	661,379
	<hr/>

Net appropriation 0

*Any additional federal funds which become available under this program may be expended subject to approval by governor and council.

Vocational rehabilitation — social security trust fund:

Personal services:	
Permanent	\$ 10,569
Current expenses	1,145
Travel:	
In state	1,354
Out of state	356
Equipment	1,767
Other expenditures:	
Employees' benefits	634
Case services	40,000
	<hr/>
Total	\$ 55,825
Less estimated federal funds	55,825
	<hr/>

Net appropriation 0

Board of nursing education and nurse registration:

Personal services:	
Permanent	\$ 27,727
Other	1,000
Current expenses	8,213
Travel:	
In state	500
Out of state	864
Other expenditures:	
Board members' travel — in state	400
Employees' benefits	2,304
	<hr/>
Total	\$ 41,008
Less estimated revenue and balance	41,008
	<hr/>

Net appropriation 0

Civil defense education:

Personal services:	
Permanent	\$ 14,497

Other	8,500	
Current expenses	3,305	
Travel:		
In state	900	
Out of state	300	
Equipment	475	
Other expenditures:		
Oasi, retirement and insurance	1,375	
Total	\$ 29,352	
Less estimated federal funds	29,352	
Net appropriation		0
Elementary and secondary education		
act — title I:		
Personal services:		
Permanent	\$ 60,459	
Other	2,900	
Current expenses	11,524	
Travel:		
In state	4,000	
Out of state	1,900	
Equipment	255	
Other expenditures:		
Employees' benefits	5,500	
State wide testing	60,000	
Conference and workshop	3,462	
Distribution to school districts	1,237,788	
Schools for handicapped children	98,304	
Delinquent children in institutes	37,584	
Total	\$1,523,676	
Less estimated federal funds	1,523,676	
Net appropriation		0
Elementary and secondary education		
act — title II:		
Personal services:		
Permanent	\$ 14,770	
Other	1,000	
Current expenses	1,800	
Travel:		
In state	900	
Out of state	350	
Equipment	200	
Other expenditures:		
Employees' benefits	1,126	
Conference and curriculum studies	500	
Reimbursement to school districts	250,000	
Total	\$270,646	

Less estimated federal funds	270,646	
	<hr/>	
Net appropriation		0
Elementary and secondary education act — title III:		
Personal services:		
Permanent	\$ 13,749	
Current expenses	1,800	
Travel:		
In state	900	
Out of state	350	
Equipment	442	
Other expenditures:		
Employees' benefits	1,200	
Curriculum studies and conferences	131,559	
Support of local projects	200,000	
	<hr/>	
Total	\$350,000	
Less estimated federal funds	350,000	
	<hr/>	
Net appropriation		0
Adult basic education:		
Personal services:		
Permanent	\$ 15,865	
Current expenses	2,700	
Travel:		
In state	700	
Out of state	350	
Other expenditures:		
Special projects	1,000	
Consultants — in service training	1,000	
Employees' benefits	800	
Conference and curriculum studies	2,000	
Grants to local centers	86,000	
Pre-service workshops	2,000	
	<hr/>	
Total	\$112,415	
Less estimated federal funds	101,173	
	<hr/>	
Net appropriation		11,242
Elementary and secondary education act — title V:		
Personal services:		
Permanent	\$150,693	
Other	4,000	
Current expenses	18,700	
Travel:		
In state	6,900	
Out of state	3,400	
Equipment	2,264	

Other expenditures:		
Employees' benefits	12,589	
Conference and workshops	4,000	
Total	\$202,546	
Less estimated federal funds	202,546	
Net appropriation		0
Elementary and secondary education		
act — title VI:		
Personal services:		
Permanent	\$ 12,989	
Other	5,000	
Current expenses	3,405	
Travel:		
In state	900	
Out of state	350	
Other expenditures:		
Employees' benefits	1,319	
Aid to school districts and projects	76,037	
Total	\$100,000	
Less estimated federal funds	100,000	
Net appropriation		0
New Hampshire technical institute —		
Concord:		
Salary of director	\$ 14,040	
Other personal services:		
Permanent	377,776	
Other	45,000	
Current expenses	190,000	
Travel:		
In state	1,500	
Out of state	1,200	
Equipment	21,750	
Other expenditures:		
Grants to students	12,000	
Federal grants	12,000	
Total	\$675,266	
Less estimated revenue:		
Tuition	97,500	
Room and board	64,000	
Cafeteria	10,000	
Textbooks and supplies	42,500	
Evening school and summer session	28,000	
Miscellaneous	3,000	
Work study — federal	6,000	
Federal grants	12,000	
Net appropriation		412,266

New Hampshire vocational institute —

Berlin:

Personal services:

Permanent

\$184,405

Other

10,000

Current expenses

64,000

Travel:

In state

900

Out of state

250

Equipment

18,000

Total

\$277,555

Less estimated revenue:

Tuition

56,000

Cafeteria

12,000

Evening school

5,000

Textbooks and supplies

15,000

Net appropriation

189,555

New Hampshire vocational institute —

Claremont:

Personal services:

Permanent

\$217,410

Other

9,000

Current expenses

47,457

Travel:

In state

1,500

Out of state

250

Equipment

11,000

Total

\$286,617

Less estimated revenue:

Tuition

50,000

Textbooks and supplies

12,000

Evening school

5,000

Federal funds

17,000

Net appropriation

202,617

New Hampshire vocational institute —

Laconia:

Personal services:

Permanent

\$202,720

Other

10,000

Current expenses

50,000

Travel:

In state

600

Out of state

250

Equipment

8,000

Total

\$271,570

Less estimated revenue:		
Tuition	42,500	
Textbooks and supplies	12,000	
Evening school	5,000	
	<hr/>	
Net appropriation		212,070
New Hampshire vocational institute —		
Manchester:		
Personal services:		
Permanent	\$246,111	
Other	12,300	
Current expenses	95,000	
Travel:		
In state	700	
Out of state	250	
Equipment	10,000	
	<hr/>	
Total	\$364,361	
Less estimated revenue:		
Tuition	86,000	
Cafeteria	19,000	
Textbooks and supplies —		
day school	15,800	
Textbooks and supplies —		
evening school	1,700	
Evening school	7,500	
	<hr/>	
Net appropriation		234,361
New Hampshire vocational institute —		
Nashua:		
Personal services:		
Permanent	\$ 24,304	
Current expenses	8,000	
Travel:		
In state	300	
Out of state	350	
	<hr/>	
Total		32,954
New Hampshire vocational institute —		
Portsmouth:		
Personal services:		
Permanent	\$211,798	
Other	14,000	
Current expenses	53,000	
Travel:		
In state	800	
Out of state	250	
Equipment	2,000	
	<hr/>	
Total	\$281,848	

Less estimated revenue:	
Tuition	56,000
Textbooks and supplies	8,000
Cafeteria	8,500
Evening school	6,000
Federal funds	17,000
	<hr/>
Net appropriation	186,348
Special equipment appropriation:	
Equipment*	25,000
	<hr/>
*To be expended for additional staff or equipment at the vocational-technical institutes and shall not be transferred or expended for any other purpose, nor shall any part of this appropriation be expended for secretarial course equipment.	
Total	\$11,335,783
Less estimated revenue:	
Literary fund	14,000
	<hr/>
Net appropriation for board of education	<u>\$11,321,783</u>

Note: In addition to the above appropriations, the vocational and technical institutes shall receive for disbursement any actual excess over the estimates in the income of the vocational and technical institutes' bookstore, cafeteria, evening school, summer school and day tuition, provided, however, that said institutes may disburse any such category excess with the approval of the governor and council, only in connection with these services from which the excess arose, except for day tuition which shall be used in connection with current operating expenses.

For coordinating board of advanced education and accreditation:

Salary of executive secretary	\$ 7,000
Other personal services:	
Other	4,165
Current expenses	1,385
Travel:	
In state	500
Out of state	170
Equipment	470
	<hr/>
Total for coordinating board of advanced education and accreditation	<u>\$ 13,690</u>

For board of probation:

Salary of director	\$ 11,500
Other personal services:	
Permanent	305,155
Other	12,500
Current expenses	31,200
Travel:	
In state	17,000

Out of state	1,200	
Equipment	4,720	
Other expenditures:		
Rental costs for central office*	5,940	
Total for board of probation		<u>\$389,215</u>

*This amount shall not be transferred or expended for any other purpose.

Note: Other provisions of law notwithstanding 5% of all monthly collections by the board of probation shall be forwarded by the tenth of the following month for deposit as general fund unrestricted revenue.

For real estate commission:

Salary of director	\$ 9,333	
Other personal services:		
Permanent	9,232	
Other	2,000	
Current expenses	10,000	
Travel:		
In state	900	
Out of state	700	
Equipment	1,000	
Total for real estate commission		<u>\$ 33,165</u>

For water resources board:

Salary of chairman	\$ 13,000	
Other personal services:		
Permanent	90,460	
Other	1,700	
Current expenses	5,550	
Travel:		
In state	5,000	
Out of state	350	
Other expenditures:		
Survey of effect of highway salt on ground water resources†	4,000*	
Stream flow gauging	25,800*	
Connecticut river valley flood control commission:		
Per diem and expenses of commission	700	
State's contribution to commission	1,688	
Maintenance of dams†	15,000	
Survey and investigation re ground water resources†	13,000*	
Improvements on small watersheds	2,500	
Merrimack river valley flood control commission:		
Per diem and expenses of commission	300	
State's contribution to commission	3,000	

Total	\$182,048
Less transfers from:	
Public works and highways	10,000
Pittsburg project	13,383
Lakeport project	6,522
Greenville water supply project	7,694
	<hr/>
Net appropriation for water resources board	<u>\$144,449</u>

†This appropriation shall not be transferred or expended for any other purpose.

*To be used only for matching purposes with federal funds.

Note: Notwithstanding any other statute or law to the contrary, the water resources board may not accept or receive any gift or grant of a dam, with or without the approval of the governor and council. This note does not apply to Public law 566 projects.

For aeronautics commission:

Administration:	
Salary of director	\$ 13,728
Other personal services:	
Permanent	66,632
Other	1,600
Current expenses	6,510
Travel:	
In state	2,700
Out of state	2,250
Equipment	4,870
	<hr/>
Total	\$ 98,290
Airways toll fund:	
Other expenditures:	
Establishment and maintenance of air navigation facilities on state airways system	16,000
Aircraft operating fees:	
Other expenditures — as provided by 1961:261	13,000
Aircraft rental and/or operation:	
Other expenditures	5,000
	<hr/>
Total for aeronautics commission	<u>\$132,290</u>

Commission on the arts:

Personal services:	
Other	\$ 20,000
Current expenses	9,000
Equipment	500
Travel:	
In state	2,000
Out of state	1,500
Other expenditures:	
Grants and project funds for support of arts	

activities throughout the state	82,000	
Total	<u>\$115,000</u>	
Less community and private contributions	55,000	
Less estimated federal funds	<u>50,000</u>	
Net appropriation		<u><u>\$ 10,000*</u></u>

*State fund expenditures shall not exceed \$10,000.

For bank commissioner:

Administration:

Salary of bank commissioner	\$ 15,528
Salary of deputy bank commissioner	14,280
Salary of assistant bank commissioner	12,480

Other personal services:

Permanent	213,228
Other	2,000

Current exepnses 26,872

Travel:

In state	19,850
Out of state	2,300

Equipment 4,770

Other expenditures:

Oasi and retirement 17,290

Total* \$328,598

Less reimbursements 328,598

Net appropriation \$ 0

*Other provisions of law notwithstanding, total expenditures (including commissioner's salary) shall be assessed against the banking institutions.

Small loan and motor vehicle finance division:

Personal services:

Permanent	\$ 22,674
Current expenses	2,200

Travel:

In state	1,225
Out of state	200

Equipment 450

Other expenditures:

Oasi and retirement 1,687

Total \$ 28,436

Less revenue* 28,436†

Net appropriation 0

Total for bank commissioner \$ 0

*Other provisions of law notwithstanding, revenue received from small loan and motor vehicle finance division shall be deposited with the state treasurer as restricted revenue, and any excess over requirement to cover expenditures shall lapse to the unappropriated surplus of the general fund.

†Notwithstanding any law to the contrary, expenditures from this fund shall be subject to budgetary limitations.

For human rights:

Other expenditures	\$ 4,000
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For liquor commission:

Administration:

Salaries of three commissioners	\$ 41,000
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Other personal services:

Permanent	328,826
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Other	2,000
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Current expenses	28,650
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Travel:

In state	23,000
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Out of state	3,400
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Equipment	8,500
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Other expenditures:

Data processing rentals and programming†	89,000
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Oasi and retirement	29,700
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Special investigative work	500
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Total administration	\$554,576
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†This appropriation shall not be transferred or expended for any other purpose, and any expenditures shall have prior approval of the director of department of centralized automated data processing.

Stores operation:

Personal services:

Permanent	\$1,525,960
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Other	320,000
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Current expenses	627,317
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Travel:

In state	13,000
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Equipment	176,625
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Other expenditures:

Public works maintenance	7,525
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Oasi and retirement	148,255
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Total stores operation	\$2,818,682
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Less revenue from sweepstakes sales	100,000
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Net appropriation	2,718,682
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Note: This appropriation provides for four new liquor stores.

Contingent fund*	10,000
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*This appropriation shall not be transferred or expended for any other purpose. Expenditures shall have prior approval of governor and council and said expenditures shall be reported to the fiscal committee of the gen-

eral court. Any balance in this appropriation shall not lapse at June 30, 1970.

Warehouse:

Personal services:	
Permanent	\$133,815
Other	17,900
Current expenses	40,860
Equipment	22,225
Other expenditures:	
Oasi and retirement	11,855
Public works maintenance	6,020
	<hr/>
Total warehouse	232,675
	<hr/>
Total for liquor commission	\$3,515,933
	<hr/>

Note 1: Working hours of individual store employees shall be so assigned as to most effectively, efficiently and economically provide for adequate customer service requirements in each store within the limits of funds appropriated herein.

Note 2: The liquor commission shall, commencing in the month of October, 1969, arrive at the individual store gross profit based on the actual cost of liquor sold in each store.

For public utilities commission:

Office of the commission:	
Salaries of three commissioners	\$ 40,088
Other personal services:	
Permanent	137,552
Other	5,000
Current expenses	42,500
Travel:	
In state	4,000
Out of state	3,000
Equipment	1,000
Other expenditures:	
Oasi and retirement	9,814
	<hr/>
Total	\$242,954
Less reimbursements*	242,954
	<hr/>

Net appropriation \$ 0

*Other provisions of law notwithstanding, total expenditures of the office of commission shall be assessed against the utilities.

Property carriers:

Personal services:	
Permanent	\$ 35,819
Other	1,773
Current expenses	8,500
Travel:	
In state	3,000

Out of state	500	
Equipment	330	
Other expenditures:		
Oasi and retirement	2,877	
Total	\$ 52,799	
Less revenue*	52,799	
Net appropriation		0
Total for public utilities commission	\$	0

*Other provisions of law notwithstanding, revenue received from property carriers division shall be deposited with the state treasurer as restricted revenue, and any excess over requirement to cover expenditures shall lapse to the unappropriated surplus of the general fund.

Note: Other provisions of law notwithstanding, the balance in the property carriers division fund at June 30, 1969, shall lapse to the unappropriated surplus of the general fund.

For racing commission:

Thoroughbred racing:

Salaries of three commissioners \$ 9,346

Other personal services:

 Permanent 28,599

 Other* 35,525

Current expenses 6,200

Travel:

 In state 2,000

 Out of state 2,250

Equipment 1,255

Total \$ 85,175

Less reimbursement 5,495

Net appropriation \$ 79,680

Harness racing:

Personal services:

 Permanent \$ 24,122

 Other* 123,255

Current expenses 4,000

Travel:

 In state 11,334

 Out of state 1,200

Equipment 1,280

Total \$165,191

Less reimbursement 16,289

Net appropriation 148,902

Total for racing commission

\$228,582

*Such portion of this amount as constitutes the compensation of the official state steward or associate judge of the state racing commission, shall be reimbursed to the state by the person, association, or corporation conducting the race or meet and such reimbursement shall include the employer's share of oasi taxes.

For sweepstakes commission:

Salary of commission chairman	\$ 4,680
Salaries of two commissioners	4,992
Salary of executive director	20,800
Other personal services:	
Permanent	125,000
Other	25,000
Current expenses	78,000†
Travel:	
In state	18,500
Out of state	1,500
Equipment	2,600
Other expenditures:	
Oasi and retirement	15,000
Net track expenses	18,000
Liquor commission*	100,000

Total	\$414,072
Less transfers from revenue account†	414,072

Net appropriation for sweepstakes commission \$ 0

*This appropriation shall not be transferred or expended for any other purpose. The liquor commission shall be reimbursed monthly for services rendered, at the rate of 8 1/3% of the income received from sale of sweepstakes tickets in liquor stores.

‡\$10,000 of this appropriation shall be expended to engage a professional survey firm to ascertain manner of increasing the sale of sweepstakes tickets and shall not be transferred or expended for any other purpose.

†Transfers shall be made from the revenue account of the sweepstakes commission to cover actual expenditures from appropriated funds.

Note 1: Subsidiary records shall be maintained by the sweepstakes commission which shall reflect proceeds and expenditures applicable to each sweepstakes year. The resulting net balance remaining from each year shall be paid out to the school districts of the state as provided by RSA 284:21-j.

Note 2: No funds of the sweepstakes commission shall be expended for legal services.

For tax commission:

Office of commission:

Salaries of two commissioners	\$ 27,301
Salary of secretary	16,300
Other personal services:	
Permanent	232,124

Other*	90,000
Current expenses**	23,500
Travel:	
In state	40,000
Out of state	1,200
Equipment	7,500
Other expenditures:	
Printing of tax laws — supplement	500

Total	<u> </u>	\$438,425
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*Expenditures from this appropriation for appraisal of utilities shall not exceed \$3,000.

**This appropriation includes \$5,000 for compilation and printing of annual reports which shall not lapse at June 30, 1970, and shall not be transferred or expended for any other purpose.

Meals and rooms:

Personal services:	
Permanent	\$ 74,505
Other	3,000
Current expenses	10,500
Travel:	
In state	9,500
Out of state	150
Equipment	11,635
Other expenditures:	
Oasi, retirement, blue cross and insurance	7,286

Total	\$116,576
Less transfer from revenue account	<u>116,576</u>

Net appropriation	0
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Municipal accounting:

Personal services:

Permanent	\$108,235
Other	2,500
Current expenses	2,700
Travel:	
In state	7,850
Out of state	300
Equipment	625

Total	<u> </u>	122,210
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Intangible tax:

Personal services:	
Permanent	\$ 36,852
Other	400
Current expenses	5,300
Travel:	
In state	150

Out of state	50	
Equipment	1,200	
Other expenditures:		
Oasi and retirement	2,900	
Blue cross and insurance	282	
	<hr/>	
Total		47,134

Inheritance tax:

Personal services:		
Permanent	\$ 48,118	
Other*	25,000	
Current expenses	8,125	
Travel:		
In state	300	
Out of state	150	
Equipment	2,985	
	<hr/>	

 Total 84,678

*This appropriation is for the registers of probate and shall not be transferred or expended for any other purpose.

Tobacco products tax:

Personal services:		
Permanent	\$ 48,861	
Other	250	
Current expenses	2,900	
Travel:		
In state	4,900	
Out of state	800	
Equipment	5,600	
Other expenditures:		
Tobacco tax stamps*	60,000	
	<hr/>	

 Total 123,311

*The funds in this appropriation shall not be transferred or expended for any other purpose and shall not lapse until June 30, 1971.

Boat tax:

Personal services:		
Other	\$ 2,500	
Other expenditures	3,500	
	<hr/>	

Total	\$ 6,000	
Less estimated revenue	6,000	
	<hr/>	

 Net appropriation 0

Other expenditures:

Flood control*	76,000	
Forest conservation aid	40,000	
Special aid for heavily timbered towns	20,500	
	<hr/>	

 Total for tax commission \$952,258

*This appropriation shall not be transferred or expended for any other purpose.

Note: Cost records shall be maintained of all actual costs applicable to services performed for local communities by the tax commission relative to audits and appraisals. Said actual costs shall be billed to local communities on a monthly basis prior to the tenth day of the succeeding month.

Note: The position of assistant director authorized for intangible tax division may be assigned interdepartmentally as the tax commissioners direct.

For water pollution commission:

Office of commission:

Salary of deputy executive director and chief engineer	\$ 15,580
Salary of director of municipal services	11,900
Salary of chief aquatic biologist	12,080
Other personal services:	
Permanent	263,477
Other	3,000
Current expenses	16,465
Travel:	
In state	18,000
Out of state	1,100
Equipment	450

Total	\$342,052
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New England interstate water pollution commission:

Personal services:

Other	\$ 900
Current expenses	2,870
Travel:	
Out of state	800

Total	4,570
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State aid grants*	1,182,638
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*The sum hereby appropriated shall not lapse, but shall be added to the appropriation of the commission in any succeeding fiscal year, to be used for the purpose herein contained.

Sanitary engineering:

Salary of executive director	\$ 18,800
Other personal services:	
Permanent†	87,568
Other	6,000
Current expenses	9,000
Travel:	
In state	6,500
Out of state	400
Equipment*	820

Total	129,088
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†This appropriation includes \$21,120 which shall be used for the em-

ployment of two additional civil engineers V.

*This appropriation includes \$700 for the purchase of two office assemblies for the above two civil engineers V.

Federal funds:

Personal services:

Permanent \$ 25,275

Other 7,350

Current expenses* 8,375

Travel:

In state 8,000

Out of state 1,000

Equipment 7,600

Other expenditures:

Oasi and retirement 2,250

Blue cross and insurance 150

Total \$ 60,000

Less estimated federal funds 60,000

Net appropriation 0

Total for water pollution commission \$1,658,348

*This appropriation includes \$500 for insurance. This sum is to be available to cover the cost of premiums required for complete marine insurance to meet the unusual hazards which develop in off shore estuarine water quality control work.

For centralized automated data processing:

Salary of director \$ 21,664

Salary of deputy director 19,500

Salary of manager of information

systems programming 17,430

Salary of manager of computer operations 3,498

Other personal services:

Permanent 155,763

Other 21,000

Current expenses 44,650

Travel:

In state 1,700

Out of state 7,850

Equipment 9,500

Other expenditures:

Commission expenses 5,900

Total for centralized automated data processing \$308,455

For civil defense:

Administration:

Personal services:

Permanent \$ 71,524

Current expenses	9,500	
Travel:		
In state	25	
Out of state	250	
Equipment	850	
Other expenditures†	1,100	
	<hr/>	
Total		\$ 83,249

†\$950 of this amount is appropriated for the fire school at Gilford and shall not be transferred or expended for any other purpose.

Field staff:

Travel:		
In state	\$ 2,500	
Out of state	250	
	<hr/>	
Total		2,750

Total for civil defense*	\$ 85,999
Less estimated federal reimbursement*	43,786
	<hr/>
Net appropriation for civil defense	\$ 42,213

*This amount available for expenditures only if federal grants are available. Any funds in excess of the estimated federal grants shall be available for such further expenditure as the governor and council shall approve. Any curtailment of civil defense activities caused by a decrease in federal grants will be implemented by a proportionate decrease in all classes of expenditure as recommended by the civil defense director and approved by the governor and council, including any permanent personal services formerly covered by federal funds.

For civil air patrol:

Other expenditures	\$ 21,000
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For New Hampshire state port authority:

Personal services:	
Permanent	\$ 16,800
Other*	4,000†
Current expenses	4,000†
Travel:	
In state	1,500
Out of state	1,000
Other expenditures:	
Reimbursement of harbor masters	2,000†
Navigational aids	3,500†

Total for New Hampshire state port authority	\$ 32,800
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*This appropriation is for harbor masters.

†These appropriations are not to be transferred or expended for any other purpose.

For N. H. committee for the older Americans act:

Personal services:	
Permanent	\$ 30,407
Other	1,000
Current expenses	7,910
Travel:	
In state	2,500
Out of state	3,500
Equipment	1,326
Other expenditures:	
Fringe benefits	2,759
Projects	165,699
	<hr/>
Total	\$215,101
Less estimated federal funds	190,400
	<hr/>

Net appropriation for the N. H. committee for the older Americans act	<u><u>\$ 24,701</u></u>
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For public works division of department of public works and highways:

Personal services:	
Permanent	\$130,673
Other	25,000
Current expenses	17,000
Travel:	
In state	7,500
Out of state	285
Equipment	2,000
Other expenditures:	
Administrative costs to department of public works and highways	5,000
	<hr/>
Total	\$187,458
Less estimated credits	6,000
	<hr/>

Net appropriation for public works divi- sion of department of public works and highways	<u><u>\$181,458</u></u>
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Total for executive branch	<u><u>\$65,294,331</u></u>
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Total net appropriation for the fiscal year ending June 30, 1970, as included in sections 2, 3 and 4	<u><u>\$66,491,255</u></u>
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367:5 Estimated federal funds. If under any appropriation in section 4 the federal grant received is less than estimated, the total appropriation shall be reduced by the amount of reduction in federal estimates and the applicable state matching funds.

367:6 Limitations on Transfers. Amend RSA 9:17-a (supp) as inserted by 1967, 292:1 by striking out the same and inserting in place thereof the following:

9:17-a Limitations. Notwithstanding the provisions of sections 16 and 17 no transfer shall be made:

I. From appropriation items for equipment to any other use or purpose.

II. To or from any out of state travel appropriation and the state treasurer and state comptroller shall maintain separate appropriation accounts for all out of state travel appropriations.

III. In any other case, a copy of the request for approval or authorization by the governor and council for the transfer with supporting data and information shall be submitted simultaneously as a matter of record to the fiscal committee of the general court, whether or not said committee is in session.

IV. The provisions of this section shall apply to transfers in general appropriations, capital budget appropriations and in any other special appropriations.

367:7 Salary adjustments. Upon request of the appointing authority, the governor and council is hereby authorized and empowered, notwithstanding any other provision of law to the contrary, upon a finding by them that it is in the best interests of the state and is necessary in order to recruit and/or retain qualified personnel to increase the salaries of any of the following listed and identified positions, and all such increases granted shall be a charge against the salary adjustment fund: assistant superintendent New Hampshire hospital, directors of clinical services, director of clinical and surgical services, director of division of mental health, director of division of public health services, director of outpatient services, director of psychiatric education and research, senior psychiatrists, superintendent New Hampshire hospital, and superintendent of state sanatorium; all classified positions that, in the best interests of the state, require they be filled by a person certified or eligible to be certified by the American Board of Neurology and Psychiatry or by a diplomate or person eligible to be a diplomate of the American Psychological Association or by a person registered and licensed or eligible to be registered and licensed to practice medicine in this state or by a person licensed or eligible for licensure to practice dentistry in this state. In the event the authority hereby granted is exercised to increase the salary for any such classified position in order to recruit or retain personnel, the salary of all classified personnel in the same classification shall be increased pursuant to this section to the same amount. Notwithstanding any other provisions of law to the contrary, no classified employee of the state shall be paid a higher salary than the highest salary range provided for by RSA 99, as amended, except as provided for by this section.

367:8 Room assignment. Other provisions of law notwithstanding, all rooms on the third floor of the state house shall be assigned for use by the President of the Senate and the Speaker of the House.

367:9 Sweepstakes commission funds. Notwithstanding any provision

of law to the contrary, in order to allow the sweepstakes commission to efficiently handle its funds, the commission shall deposit all funds received by it in commercial banks. The commission may maintain a balance of \$20,000 in one of said accounts and \$10,000 in all others. All funds in said accounts in excess of said balances shall be transferred weekly to a special sweepstakes bank account in which there shall be maintained a minimum balance of \$100,000, as soon as said amount is available from current sales of tickets. All sums in excess of said minimum of \$100,000 in said special account shall be remitted weekly to the state treasurer for credit to the sweepstakes special fund. Provided however, that on or before December 15 of each year all minimum balances shall be paid into the state treasurer.

367:10 Revenue. Other provisions of law notwithstanding revenue of the following agencies shall be deposited with the state treasurer as unrestricted revenue: board of accountancy, board of registration for architects, athletic commission, barbers board, cancer commission, board of chiropractic examiners, dental board, board of professional engineers, board of registration of funeral directors and embalmers, board of hairdressers, board of registration in medicine, board of registration in optometry, pharmacy commission, board of registration in podiatry and board of psychologists.

367:11 Data processing. Other provisions of law notwithstanding any rentals, purchases, programming costs, inter-departmental agreements or consulting fees relative to data processing to be charged against appropriations made in section 4 shall have prior approval of the director of the centralized data processing department. Such approval shall prevent duplication and proliferation of data processing equipment to assure the maximum usage of such equipment.

367:12 New Hampshire state port authority. Amend RSA 271-A:3 by inserting after paragraph III the following new paragraph:

IV. Be authorized and empowered to contract with and secure the services of a port terminal operating firm, subject to approval of governor and council, for the purpose of having such firm operate a part or all of the facilities of the authority, including piers, wharves, warehouses, parking and storage areas, or other facilities owned or leased by the authority, with such operating firm having the exclusive right to operate the business of a port terminal operator and stevedore, including but not limited to the handling of cargo, the collection of fees from wharfage and dockage and other marine terminal operations, the maintenance and security of the premises, and the promotion, encouragement and solicitation of business for such port facility or facilities; such contract with an operating firm shall include the following provisions:

(a) said firm shall file with the authority for its approval a tariff clearly defining the terms "wharfage" and "dockage" and the charges to be made therefor,

(b) the amount of minimum payments per year satisfactory to the authority to be paid to it for the exclusive right to operate upon the marine terminal, as described in the contract, the business of a port terminal operator and stevedore,

(c) the amount retained by said firm from all fees for which it is ac-

countable, said amount being a percentage to cover administrative costs of collection,

(d) said firm to supply a ship's manifest for every vessel using said facilities,

(e) said firm to provide a performance bond in an amount and form acceptable to the authority, as well as insurance in amounts acceptable to the authority for fire and extended coverage, public liability, property damage, and other risks as required by the authority, the insurance company or companies to be licensed to do business in New Hampshire and to be acceptable to the authority,

(f) said firm to file quarterly reports with the authority indicating the amount of all fees for which it is accountable to the authority, the amounts collected and the amounts retained, with a certified audit prepared by a certified public accountant submitted annually,

(g) such other appropriate provisions which in the opinion of the attorney general will carry out the intent of this section and best protect the interest of the authority and of the state.

367:13 Extension of appropriation. Amend 1967, 379:21 by inserting in line nineteen after the word "appropriation" the words (shall not lapse) so that said section as amended shall read as follows: **379:21 Computerized Statutory Search System for Revised Statutes Annotated.** The director of legislative services is hereby authorized, directed and empowered to computerize a statutory code search system for the New Hampshire revised statutes annotated designed for the greatest use possible by the general court, the judiciary, office of the attorney general, and such other departments and agencies as could effectively utilize such system. Notwithstanding any other provisions of law, the said director, with the approval of the legislative services committee, is authorized and empowered to contract with a competent and qualified vendor experienced in computerized data retrieval systems to provide necessary text tape and search program and such other type composition tape with appropriate coding and data for printing of statutes as may be required. The commissioner of public works and highways is authorized and directed to cooperate with the office of legislative services as may be requested in the development of this program. The sum of fifty thousand dollars is hereby appropriated to the office of legislative services for the purposes of this act. Said sum shall be in addition to any other appropriations for the office of legislative services, shall be a continuing appropriation, shall not lapse, may not be transferred, and shall be a charge on the legislative appropriation.

367:14 Takes effect. This act shall take effect July 1, 1969.

[Approved July 1, 1969.]

[Effective date July 1, 1969.]

CHAPTER 368.

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF CERTAIN DEPARTMENTS OF
THE STATE FOR THE YEAR ENDING JUNE 30, 1971.

Be it Enacted by the Senate and House of Representatives in General Court convened:

368:1 Appropriations: The sums hereinafter detailed in this act are hereby appropriated to be paid out of the treasury of the state for the purposes specified for the branches and departments named for the fiscal year ending June 30, 1971:

368:2 Legislative branch:

General court:

Senate:

Personal services:	
Members	\$ 11,450
Attaches	59,964
Current expenses	8,100
Travel—Members and attaches†	41,325
Equipment and capital improvements	2,500
Other expenditures:	
Membership fees	1,250
Legal services and consultants	2,500
Total—senate	<hr/> \$127,089 <hr/>

House:

Personal services:	
Members	\$ 82,000
Attaches	95,000
Current expenses	23,000
Travel—Members and attaches†	516,000
Equipment and capital improvements	2,500
Other expenditures:	
Membership fees	1,250
Legal services and consultants	2,500
Total—house	<hr/> \$722,250 <hr/>

Joint expenses:

Printing and binding	115,000
Council of state government	8,325
Repairs and alterations	1,500
Voter guide—constitutional amendments	5,000
Legal services and consultants	2,500
Total—joint expenses	<hr/> \$132,325 <hr/>

Total for the general court

\$981,664

†In addition to travel allowed for attending sessions of the general court, this sum shall include payments as authorized by RSA 14-A:3 except

that after a member fails of nomination in a primary election or fails of election or shall have not filed for reelection to his office, no expenses shall be allowed him for out of state travel.

Legislative services:	
Personal services*	\$116,500
Current expenses**	7,000
Travel:	
In state	1,000
Out of state	1,500
Equipment	2,000
Other expenditures:	
Consultants	6,600
	<hr/>
Total for legislative services	134,600

*Salaries to be set in accordance with provisions of RSA 17-A:2 and 17-A:4.

**All postage and telephone expenses to be charged against general legislative appropriation.

Legislative budget assistant:	
Personal services:	\$222,906
Current expenses	11,500
Travel:	
In state	1,500
Out of state	1,500
Equipment	1,500
Other expenditures:	
Consultants and CPA audit	5,000
	<hr/>
Total for legislative budget assistant	243,906

*Other provisions of law notwithstanding, salaries of permanent employees shall be as approved by the fiscal committee of the general court. The legislative budget assistant shall, when overtime or temporary assistance is necessary, obtain such assistance and determine the compensation therefor.

Note 1: The legislative budget assistant may designate a certified public accountant, not employed in state service, to make the annual audit of the state treasury, and said legislative budget assistant may accept the findings and report of said certified public accountant as fulfilling the provisions of RSA 14:31 part II, whereby the said legislative budget assistant is required to audit the accounts of the state treasurer.

Note 2: Other provisions of law notwithstanding, the research analyst to the senate finance committee shall be a member of the legislative budget assistant staff.

Note 3: Other provisions of law notwithstanding, expenses of the fiscal committee of the general court, including travel expenses of members, shall be a charge against the appropriation for the legislative budget assistant.

Legislative study committee:	
Other expenditures	5,000†
†Expenditures from this appropriation shall have prior approval of the fiscal committee of the general court.	

Miscellaneous legislative committees	1,000
Total for legislative branch	<u>\$1,366,170†</u>

†These appropriations shall not lapse at June 30, 1971.

Note 1: Other provisions of law notwithstanding, employees of the legislative budget assistant's office and the director of legislative services' office shall be eligible for fringe benefits as provided for classified employees including but not limited to membership in retirement system, blue shield and blue cross coverage, life insurance coverage and annual and sick leave benefits.

Note 2: Other provisions of law notwithstanding, transfers may be made within divisions of the legislative appropriation in the following manner:

- (a) House appropriation — Request of speaker, approval of fiscal committee.
- (b) Senate appropriation — Request of president of senate, approval of fiscal committee.
- (c) Joint expenses — Request of speaker of house and president of senate, approval of fiscal committee.
- (d) Legislative services — Request of director, approval of president of senate, speaker of house, and fiscal committee.
- (e) Legislative budget assistant — Request of legislative budget assistant, approval of president of senate, speaker of house, and fiscal committee.
- (f) All other legislative accounts — Request of president of senate and speaker of house, approval of fiscal committee.
- (g) Transfers may be made between divisions in the legislative appropriation on request of president of senate and speaker of house with approval of fiscal committee.

368:3 Judicial branch:

For supreme court:

Salaries of justices	\$118,480
Salary of clerk-reporter	15,960
Other personal services:	
Permanent	33,055
Other	2,000
Current expenses	7,200
Travel:	
In state	1,500
Out of state	1,200
Other expenditures:	
N. H. supreme court reports	6,750
Total	<u>\$186,145</u>
Less estimated revenue	1,250

Net appropriation

\$184,895

For superior court:	
Salaries of judges	\$168,947
Salaries of judicial referees	31,648
Other personal services:	
Permanent†	88,182
Other	300
Current expenses	8,500
Travel:	
In state	14,500
Out of state	1,000
	<hr/>
Total	\$313,077
Less reimbursements	91,000
	<hr/>
Net appropriation	222,077

†The funds in this appropriation are for court stenographers which may be increased with approval of governor and council provided the counties are billed for total expenditures.

For probate court:	
Salaries of judges, registers and deputies	171,524
For judicial council††	12,265
††In this appropriation \$7,000 shall be for the salary of the secretary.	
For administrative committees:	
For district and municipal courts	8,550
	<hr/>
Total for judicial branch	\$599,311
	<hr/>

368:4 Executive branch:

Office of governor:	
Salary of governor	\$ 30,000
Other personal services:	
Other†	97,759
Current expenses	10,000
Travel:	
In state*	3,000
Out of state	2,500
Equipment†††	5,500
Other expenditures:	
Contingent fund	15,000
Governor's special fund**	12,000
Trainee program†††	20,320
New England governors' conference	8,325
Emergency fund	50,000
Operating budget contingent fund***	100,000
Governors' conference	9,000
Advisory commission	1,000
Intergovernmental relations	7,500
Governor's legal counsel	7,500
Secretary to legal counsel	2,500
	<hr/>
Total	\$381,904

†Salaries paid out of this appropriation shall be at levels set by the governor.

*Expense of operating and maintenance of the governor's state car shall be charged to this appropriation.

††Included in this sum is \$4500 for purchase of new state car for the governor.

**The funds appropriated under this item are to be spent by the governor at his own and sole discretion for state purposes, including but not limited to participation in the activities of the United States Governors' Conference, the New England Governor's Conference, and the council of state governments, for which monies are not otherwise appropriated.

†††The funds in this appropriation shall not be transferred or used for any other purpose.

*** Transfers from this fund are subject to prior approval by the governor and council and may be made to all state agency appropriations, excluding only the governor and council. The director of accounts shall keep a record of transfers approved for other than general fund agencies and shall report such special fund transfers to the legislature for appropriate adjustment between funds.

Office of economic opportunity:

Personal services:	
Other	\$ 71,140
Current expenses	7,270
Travel:	
In state	3,500
Out of state	1,200
Other expenditures:	
Vista transportation	12,838
Consultants contracts	890
	<hr/>
Total	96,838
Less estimated federal grant	96,838
	<hr/>

Net appropriation

0

Executive council:

Personal services:	
Other — per diem	\$ 31,600
Secretary to executive council	4,770
Current expenses	1,200
Travel:	
In state	6,000
Out of state	250
	<hr/>

Total

43,820

Office of coordinator of federal funds:

Salary of coordinator	\$ 13,520
Other personal services:	
Permanent	5,145
Current expenses	1,500
Travel:	
In state	300

Out of state	2,500	
Equipment	100	
	<hr/>	
Total		23,065
State technical services:		
Other expenditures†		22,000
		<hr/>

†The money herein appropriated shall be deposited in the special fund established by RSA 188-A:16.

Total for executive office	<hr/> <hr/>	\$470,789
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Note: The coordinator of federal funds shall in addition to present duties, be the liaison officer for the office of economic opportunity and state technical services:

For adjutant general's department:

Central administrative office:

Salary of adjutant general	\$ 14,100
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Other personal services:

Permanent	64,205
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Other	1,000
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Current expenses	9,000
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Equipment	575
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Other expenditures:

State flags	500
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Total	<hr/>	\$ 89,380
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National guard:

Personal services:

Other*	\$ 7,000
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Current expenses	1,600
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Travel:

In state	250
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Out of state	800
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Other expenditures:

Social security	250
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Total	<hr/>	9,900
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*Not to be transferred or expended for any other purpose.

Armories:

Personal services:

Permanent	\$118,998
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Other	2,000
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Current expenses	105,000
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Equipment	1,500
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Total	<hr/>	227,498
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Officers' uniform allowance:

Current expenses	8,000
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State military reservation — Concord:

Personal services:

Permanent	\$ 56,172
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Current expenses	35,000	
Travel:		
In state	400	
Equipment	300	
	<hr/>	
Total		91,872
State military reservation — Pease air force base, Portsmouth:		
Personal services:		
Permanent	\$ 20,332	
Current expenses	32,000	
Travel:		
Out of state	200	
Equipment	230	
	<hr/>	
Total		52,762
New Hampshire military academy		5,000
		<hr/>
Total for adjutant general's department	\$ 484,412	
Less estimated revenue	66,949	
	<hr/>	
Net appropriation for adjutant general's department	\$ 417,463	
		<hr/> <hr/>
For administration and control:		
Division of budget and control:		
Salary of comptroller	\$ 18,380	
Salary of business supervisor	14,160	
Salary of assistant business supervisors	37,694	
Other personal services:		
Permanent	18,533	
Other	1,500	
Current expenses	4,100	
Travel:		
In state	500	
Out of state	350	
Equipment	1,100	
Other expenditures:		
Consultants fees#	5,000	
Firemen's relief	4,000	
New England board of higher education:		
Expenses	12,000	
Grants	50,000	
Expenses for board	300	
Oasi contributions:		
State employees	907,500	
Teachers	1,254,000	
Indigent defendants	75,000*	
Preparation governor's budget	7,500	
	<hr/>	
Total		\$2,411,617

#Not to be expended without approval of governor and council.

*Those persons requiring court appointment of counsel shall be personally responsible for payment of 10% of the legal fees. Providing however; that said person shall pay a minimum of \$5 and shall not be responsible for payment in excess of \$20.

Division of accounts:		
Salary of director	\$ 15,200	
Other personal services:		
Permanent	99,689	
Other	2,500	
Current expenses	26,000	
Travel:		
In state	100	
Out of state	350	
Equipment	440	
Total		144,279
Division of investigation of accounts:		
Personal services:		
Permanent	\$ 39,723	
Current expenses	800	
Travel:		
In state	4,250	
Out of state	100	
Equipment	4,000	
Total		48,873
Division of purchase and property:		
Salary of director	\$ 14,220	
Other personal services:		
Permanent	88,035	
Other	2,550	
Current expenses	5,700	
Travel:		
In state	700	
Out of state	600	
Equipment	1,310	
Total	\$113,115	
Warehouse division:		
Personal services:		
Permanent	\$ 11,603	
Other	1,400	
Current expenses	12,170	
Equipment	475	
Other expenditures:		
Fixed charges — bond payment and interest	5,234	
Total	\$ 30,882	
Less estimated revenue	30,882	

Net appropriation	\$ 0	
Total for division of purchase and property		113,115
Division of building and grounds:		
Personal Services:		
Permanent	\$269,676	
Other	5,000	
Current expenses	130,275	
Travel:		
In state	300	
Out of state	350	
Equipment	2,500	
Other expenditures:		
Cleaning legislative areas	7,000	
Pointing and caulking state library entrance steps	1,500	
Total	416,601	
Old post office building:*		
Personal services:		
Permanent	26,667	
Other	1,333	
Current expenses	12,000	
Total	\$ 40,000	
Bridges house:*		
Personal services:		
Permanent	\$ 4,158	
Other	1,650	
Current expenses	2,175	
Total	\$7,983	

Note: Other provisions of law notwithstanding, authority is granted for the purchase of insurance on fine arts at the Bridges' home.

Total for division of building and grounds 464,584

*No part of this appropriation is to be transferred or expended for any other purpose.

Note: The superintendent of buildings and grounds shall supervise and be responsible for maintenance, upkeep and repair of the state office buildings on Concord Heights. Funds included in the department of public works and highways land and buildings appropriation for this purpose as determined by the comptroller, shall be transferred to the division of buildings and grounds.

Mailing division:

 Personal services:

 Permanent

\$ 16,270

Current expenses	1,066	
Total		17,336
Telephone switchboard division:		
Personal services:		
Permanent	\$ 15,063	
Other	500	
Current expenses	6,426	
Equipment	300	
Total		22,289
Division of records management and archives:		
Salary of director	\$ 10,022	
Other personal services:		
Permanent	9,891	
Other	250	
Current expenses	4,500	
Travel:		
In state	50	
Out of state	350	
Equipment	2,000	
Total		27,063
State historical commission:		
Personal services:		
Other	\$ 500	
Current expenses	200	
Travel:		
In state	500	
Total		1,200
N. H. distributing agency:*		
Surplus foods division:		
Salary of director	\$ 10,980	
Other personal services:		
Permanent	36,977	
Other	4,000	
Current expenses	18,375	
Travel:		
In state	2,075	
Out of state	225	
Equipment	1,620	
Other expenditures:		
Oasi and retirement	4,186	
Blue cross and insurance	412	
Total	\$ 78,850	
Less estimated revenue and balance†	78,850	
Net appropriation		0
Surplus property division:		

Salary of deputy director	\$ 8,900
Other personal services:	
Permanent	11,527
Other	1,000
Current expenses	11,878
Travel:	
In state	600
Out of state	625
Equipment	350
Other expenditures:	
Oasi and retirement	1,796
Blue cross and insurance	155
	<hr/>
Total	\$ 36,831
Less estimated revenue and balance†	36,831
	<hr/>
Net appropriation	0

*With the approval of the governor and council the director of the New Hampshire distributing agency is authorized to transfer personnel, appropriations or portions thereof, as well as equipment, between subdivisions of the agency. Such transfers shall not place an unwarranted demand upon the fund balances of either surplus food or surplus property.

†Authority is hereby given to utilize so much as may be necessary of the balance accumulated at June 30, 1970, or any surplus accumulating during the fiscal year 1971 within this subdivision, with approval of the governor and council, to efficiently operate this division without the use of any other state funds.

Total for administration and control	\$3,250,356
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For agriculture:

Office of commissioner:	
Salary of commissioner	\$ 14,040
Other personal services:	
Permanent	57,086
Current expenses	12,500
Travel:	
In state	3,300
Out of state	1,500
Equipment	475
Other expenditures:	
Feed, seed and fertilizer analytical services	29,000
	<hr/>
Total	\$117,901
Less estimated federal funds	4,500
	<hr/>

Net appropriation	\$113,401
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Pesticide control:

Personal services:	
Permanent	\$ 12,737
Current expenses	1,400

Travel:		
In state	1,000	
Out of state	350	
Other expenditures:		
Expense re pesticide control law*	2,500	
	<hr/>	
Total		17,987
**Not to be transferred or expended for any other purpose.		
Division of markets and standards:		
Bureau of markets:		
Personal services:		
Permanent	\$ 52,897	
Current expenses	23,200	
Travel:		
In state	2,745	
Out of state	350	
Equipment	1,830	
Other expenditures:		
Cooperative grant to New England		
crop reporting service	800	
Rodent control work in cooperation with		
federal government	150	
Federal supervision in connection with		
farm produce inspection	50	
	<hr/>	
Total		82,022
Bureau of weights and measures:		
Personal services:		
Permanent	\$ 50,844	
Current expenses	3,500	
Travel:		
In state	6,000	
Out of state	350	
	<hr/>	
Total		60,694
Division of animal industry:		
Salary of state veterinarian	\$ 11,220	
Other personal services:		
Permanent	73,007	
Current expenses	13,000	
Travel:		
In state	8,300	
Out of state	450	
Equipment	1,830	
Other expenditures:		
Veterinary services — other than testing	500	
Tubercular testing	23,000	
Brucellosis, vibriosis and leptospirosis		
testing	26,000	
Testing for mastitis control	500	
Diagnostic services of domestic animals	12,000	
	<hr/>	

Total		169,807
Division of insect and plant disease suppression and control:		
Salary of state entomologist	\$ 3,820	
Other personal services:		
Permanent	21,889	
Other	4,840	
Current expenses	1,200	
Travel:		
In state	4,200	
Out of state	350	
Equipment	1,830	
Total		38,129
Veterinary examiners		750
Licensing of live poultry dealers		140
Soil conservation districts (10)		2,500
Grants:		
State soil conservation committee	\$ 300	
Eastern states exhibit	11,500	
Total		11,800
Total for department of agriculture		<u>\$497,230</u>

Note: Other provisions of law notwithstanding, revenue received from: (a) pesticide control law economic poisons; (b) weights and measures inspection fees; and (c) pullorum — typhoid and P.P.L.O. testing shall be deposited with the state treasurer as unrestricted general fund revenue.

For attorney general's department:

Administrative and general services:	
Salary of attorney general	\$ 18,008
Salary of deputy attorney general	15,600
Salary of one assistant attorney general	14,040
Other personal services:	
Permanent	59,873
Other	750
Current expenses	6,750
Travel:	
In state	1,200
Out of state	1,800
Equipment	2,440
Other expenditures:	
Commission on uniform laws	1,700

Total	\$122,161
Less estimated revenue	12,000

Net appropriation	\$110,161
Division of charitable trusts:	
Salary of director	\$ 6,240

Other personal services:		
Permanent	12,613	
Other*	350	
Current expenses	1,025	
Travel:		
In state	300	
Out of state	100	
Equipment	300	
	<hr/>	
Total		20,928

* This appropriation to be expended for fees to probate registers only.

Legal assistance for land acquisition:		
Salaries of three assistant attorneys general	\$ 41,976	
Other personal services:		
Permanent	28,522	
Current expenses	3,085	
Travel:		
In state	2,100	
Out of state	500	
Equipment	535	
	<hr/>	
Total	\$ 76,718	
Less transfer from highway fund	76,718	
	<hr/>	

Net appropriation 0

Division of criminal justice:		
Salaries of four assistant attorneys general	\$ 54,864	
Other personal services		
Permanent	16,431	
Current expenses	3,010	
Travel:		
In state	1,250	
Out of state	500	
Equipment	180	
	<hr/>	
Total		76,235
Total for attorney general's department		\$207,324
		<hr/> <hr/>

Note: Notwithstanding any rule, regulation, or law to the contrary, unclassified positions may be filled at a salary in the salary range equal to or less than the salary paid at that time to any attorney in the classified personnel system.

For department of health and welfare:

Office of commissioner of health and welfare:	
Salary of commissioner	\$ 18,200
Other personal services:	
Permanent	235,371
Other	2,500
Current expenses	47,000
Travel:	
In state	500
Out of state	900

Equipment	860	
Other expenditures:		
Oasi, retirement and insurance	25,000	
Total for office of commissioner		\$330,331
Advisory Commission:		
Personal services:		
Other	\$ 1,100	
Current expenses	500	
Travel:		
In state	1,800	
Out of state	200	
Total for advisory commission		3,600
Division of public health services:		
Administration:		
Salary of director	\$ 17,700	
Other personal services:		
Permanent	61,564	
Other	500	
Current expenses	19,000	
Travel:		
In state	2,100	
Out of state	7,125	
Equipment	2,600	
Other expenditures:		
Oasi and retirement	9,500	
Merit system	3,000	
Blue cross and insurance	1,200	
Alpha exams	2,800	
Total	\$127,089	
Less estimated federal funds	50,372	
Less credit transfers	9,000	
Net appropriation		\$ 67,717
Special health services:		
Personal services:		
Permanent	\$ 35,913	
Other	17,200	
Current expenses	27,000	
Travel:		
In state	1,700	
Equipment	460	
Other expenditures:		
Sight conservation	29,000*	
Total	\$111,273	
Less estimated federal funds	48,960	
Net appropriation		\$ 62,313

*This appropriation shall not be transferred or used for any other purpose, including temporary help.

Hospital services:

Personal services:

Permanent \$ 73,108

Other 4,000

Current expenses 5,490

Travel:

In state 4,500

Other expenditures:

Home health* 30,660

Total \$117,758

Less estimated federal funds 58,879

Net appropriation 58,879

*Local support only, not to be transferred or used for any other purpose.

Vital statistics:

Personal services:

Permanent \$ 64,505

Other 800

Current expenses 8,500

Travel:

In state 600

Total \$ 74,405

Less estimated federal funds 32,606

Net appropriation 41,799

Public health nursing:

Personal services:

Permanent \$164,464

Other 2,250

Current expenses 12,900

Travel:

In state 13,500

Other expenditures:

Training 500

Total \$193,614

Less estimated federal funds 96,807

Net appropriation 96,807

Communicable disease control:

Personal services:

Permanent \$ 50,945

Other 8,400

Current expenses 40,000

Travel:		
In state	2,000	
Equipment	1,000	
	<hr/>	
Total	\$102,845	
Less estimated federal funds	45,032	
	<hr/>	
Net appropriation		57,313
Dental public health:		
Personal services:		
Permanent	\$ 45,710	
Other	28,000	
Current expenses	2,600	
Travel:		
In state	2,500	
Equipment	1,260	
	<hr/>	
Total	\$ 80,070	
Less estimated federal funds	35,231	
	<hr/>	
Net appropriation		44,839
Maternal child health and crippled children's services:		
Personal services:		
Permanent	\$ 76,585	
Other	50,000	
Current expenses	140,000	
Travel:		
In state	2,200	
Equipment	450	
Other expenditures:		
Children's bureau	25,000	
Cystic fibrosis	15,000	
Rehabilitation*	150,000	
Poison information center	3,700	
	<hr/>	
Total	\$462,935	
Less estimated federal funds	231,468	
	<hr/>	
Net appropriation		231,467

*The division of investigation of accounts shall investigate the payment ability of liable persons as provided by RSA 8:40. Expenditure of this appropriation contingent upon 50-50 matching by federal funds.

Occupational health:	
Personal services:	
Permanent	\$ 91,937
Other	750
Current expenses	3,900
Travel:	
In state	4,800

Equipment	2,000	
Total	<u>\$103,387</u>	
Less estimated federal funds	45,490	
Net appropriation		57,897
Air pollution:		
Personal services:		
Permanent	\$ 15,738	
Other	11,513	
Current expenses	2,000	
Travel:		
In state	3,000	
Out of state	500	
Other expenditures:		
Training	500	
Equipment	3,947	
Total	<u>\$ 37,198</u>	
Less estimated federal funds	19,810	
Net appropriation		\$ 17,388
Food and chemistry:		
Personal services:		
Permanent	\$145,820	
Other	1,000	
Current expenses	6,600	
Travel:		
In state	16,000	
Total	<u>\$169,420</u>	
Less estimated federal funds	72,196	
Net appropriation		97,224
Laboratory services:		
Personal services:		
Permanent	\$122,294	
Other	1,500	
Current expenses	27,000	
Total	<u>\$150,794</u>	
Less estimated federal funds	66,349	
Net appropriation		84,445
Tuberculosis grant:		
Personal services:		
Other	\$ 34,600	
Current expenses	1,400	
Travel:		
In state	3,500	
Out of state	500	

Total	\$ 40,000	
Less estimated federal funds	40,000	
	<hr/>	
Net appropriation		0
Pre-school vision program:		
Personal services:		
Other	\$ 32,145	
Current expenses	1,800	
Travel:		
In state	3,820	
Equipment	2,000	
Other expenditures:		
Indirect costs	6,672	
Training	1,800	
	<hr/>	
Total	\$ 48,237	
Less estimated federal funds	48,237	
	<hr/>	
Net appropriation		0
Children and youth project:		
Personal services:		
Other	\$ 70,000	
Current expenses	40,000	
Travel		
In state	4,000	
Out of state	1,000	
Equipment	1,000	
Other expenditures	4,000	
	<hr/>	
Total	\$120,000	
Less estimated federal funds	120,000	
	<hr/>	
Net appropriation		0
Venereal disease project:		
Current expenses	\$ 1,000	
Travel:		
In state	4,000	
Out of state	1,000	
	<hr/>	
Total	\$ 6,000	
Less estimated federal funds	6,000	
	<hr/>	
Net appropriation		0
Vaccination program:		
Personal services:		
Other	\$ 11,000	
Current expenses	6,500	
Travel:		
In state	1,500	
Out of state	1,000	
	<hr/>	

Total	\$ 20,000	
Less estimated federal funds	20,000	
	<hr/>	
Net appropriation		0
Hospital construction	\$1,500,000	
Less estimated federal funds	1,500,000	
	<hr/>	
Net appropriation		0
Program on alcoholism:		
Personal services:		
Permanent	\$ 93,261	
Other	5,600	
Current expenses	7,200	
Travel:		
In state	3,200	
Out of state	250	
	<hr/>	
Total		109,511
		<hr/>
Alcoholism — halfway house:		
Personal services:		
Other	\$ 22,238	
Current expenses	12,752	
Other expenditures:		
Emergency medical care and miscellaneous	700	
Oasi and retirement	1,170	
	<hr/>	
Total	\$ 36,860	
Less estimated federal funds	36,860	
	<hr/>	
Net appropriation for alcoholism — halfway house		0
		<hr/>
Net appropriation for the division of public health services		\$1,027,599
		<hr/>
Sanatorium:		
Administration:		
Salary of superintendent	\$ 15,781	
Other personal services:		
Permanent	19,553	
Current expenses	2,200	
Travel:		
In state	500	
Out of state	500	
	<hr/>	
Total		\$ 38,534
Professional care:		
Personal services:		
Permanent	\$180,705	

Other*	16,000	
Current expenses	15,000	
Equipment	350	
	<hr/>	
Total		212,055
*In this appropriation is \$10,500 for consultation service which shall not be transferred or expended for any other purpose.		
Custodial care:		
Personal services:		
Permanent	\$ 88,314	
Other	2,200	
Current expenses	30,000	
Equipment	450	
	<hr/>	
Total		120,964
Operation of plant:		
Personal services:		
Permanent	\$ 69,948	
Other	400	
Current expenses	23,000	
Equipment	75	
	<hr/>	
Total		93,423
Maintenance of plant:		
Personal services:		
Permanent	\$ 7,163	
Current expenses	6,500	
Other expenditures:		
Repairs to sewage disposal tank	2,000	
	<hr/>	
Total		15,663
		<hr/>
Total for sanatorium		\$480,639
Less maintenance refunds		7,000
		<hr/>
Net appropriation for sanatorium		\$473,639
		<hr/>
Total for division of public health services		1,501,238
Division of Welfare:		
Administration:		
Salary of director	\$ 14,220	
Other personal services:		
Permanent	313,924	
Other	43,250	
Current expenses	38,460	
Travel:		
In state	6,000	
Out of state	2,500	

Equipment	1,062	
Other expenditures:		
Social security	99,504	
Blue cross and insurance	14,901	
Merit system	8,054	
Educational leave	15,000	
Advisory committees	1,000	
Employees' retirement	94,820	
Physical examinations	1,000	
Operational costs (Title XIX)	170,000	
	<hr/>	
Total		\$823,695
Field services:		
Personal services:		
Permanent†	1,261,411	
Other	8,000	
Current expenses*	223,560	
Travel:		
In state	43,500	
Out of state	700	
Equipment	6,000	
	<hr/>	
Total		1,543,171
*Within this appropriation \$140,900 shall be for rent of district offices and shall not be transferred or used for any other purpose.		
†Salary and expenses of the OASDI field agent included in this appropriation shall be reimbursed to the state by the municipalities.		
Child welfare services:		
Personal services:		
Permanent	699,575	
Other	7,000	
Travel:		
In state	46,677	
Out of state	3,000	
Other expenditures:		
Educational leave	20,000	
Institutes and conferences	500	
Special children's fund	7,100	
Specialized services	250	
Foster care	6,000	
	<hr/>	
Total	\$790,102	
Less estimated federal funds	217,999	
	<hr/>	
Net appropriation		572,103
Blind services:		
Personal services:		
Permanent	\$ 28,541	
Current expenses	1,000	

Travel:		
In state	2,300	
Out of state	350	
Other expenditures:		
Education of blind	80,000	
	<hr/>	
Total		112,191
Vocational rehabilitation:		
Personal services:		
Permanent	\$ 43,561	
Current expenses	2,260	
Travel:		
In state	3,200	
Out of state	535	
Other expenditures:		
Case services	35,000	
Business enterprises	10,000	
In service training	1,700	
Disability insurance beneficiaries	20,000	
	<hr/>	
Total	\$116,256	
Less estimated federal funds	96,845	
	<hr/>	
Net appropriation		19,411
Blind workshop		
Personal services:		
Permanent	\$ 33,155	
Current expenses	7,700	
Travel:		
In state	1,000	
Out of state	100	
Equipment	500	
Other expenditures:		
Rent*	5,100	
	<hr/>	
Total		47,555
*Shall not be transferred or expended for any other purpose.		
John Nesmith fund		3,700
Old age assistance:		
State's share	\$1,099,246	
Less estimated revenue	125,000	
	<hr/>	
Net appropriation		974,246
Towns and counties	\$1,576,258	
Less estimated revenue	1,576,258	
	<hr/>	
Net appropriation		0
Federal	\$3,629,530	
Less estimated revenue	3,629,530	
	<hr/>	
Net appropriation		0

Old age assistance to aliens:		
Towns and counties	\$ 192,107	
Less estimated revenue	243,444	
	<hr/>	
Net appropriation		—51,337
Federal	\$ 251,700	
Less estimated revenue	251,700	
	<hr/>	
Net appropriation		0
Aid to families with dependent children:		
State's share:		
Grants	2,464,664	
WIN program	33,000	
Income disregard*	251,000	
Day care*	245,000	
Foster care*	325,000	
	<hr/>	
Total	3,318,664	
Less estimated revenue	145,000	
	<hr/>	
Net appropriation		3,173,664
Federal:		
Grants	3,530,133	
Income disregard	363,895	
Day care	735,000	
Foster care	471,178	
	<hr/>	
Total	5,100,206	
Less estimated revenue	5,100,206	
	<hr/>	
Net appropriation		0
*This appropriation shall not be transferred or expended for any other purpose.		
Aid to needy blind:		
State's share	\$ 151,532	
Less estimated revenue	3,500	
	<hr/>	
Net appropriation		148,032
Federal	\$ 210,143	
Less estimated revenue	210,143	
	<hr/>	
Net appropriation		0
Aid to permanently and totally disabled:		
State's share	81,687	
Less estimated revenue	9,000	
	<hr/>	
Net appropriation		72,687
Towns and counties*	\$ 401,773	
Less estimated revenue	401,773	
	<hr/>	
Net appropriation		0

Federal	\$ 664,464
Less estimated revenue	<u>664,464</u>

Net appropriation 0

*For the fiscal year ending June 30, 1971, the share which a county or town must reimburse the state for aid to the totally and permanently disabled persons for which such county or town is liable shall be thirty-five percent. Provisions of the law inconsistent with the provision hereof are hereby suspended until June 30, 1971.

Medical care and services:

Categorically needy	5,858,554
Medically needy	<u>973,172</u>

Total	\$6,831,726
Less local share	332,665
Less federal share	<u>4,001,008</u>

Net appropriation 2,498,053

Total for division of welfare \$9,937,171

Less town and county share of
oasi administration 12,000

Less transfer re administration
from federal grants 1,356,759

Less recoveries from past
medical aid to the aged 5,000

Net appropriation for division
of welfare 8,563,412

Note 1: Other provisions of law notwithstanding, any balance remaining in state accounts at the close of the fiscal year shall lapse to unappropriated surplus of the general fund.

Note 2: Payments to physicians and payments for medical care, or any other type of remedial care recognized under state law, furnished by licensed practitioners within the scope of their practice as defined by state law, shall be at a rate twenty percent less than usual and customary.

Payments to hospitals shall not exceed payments for more than twenty-one days hospitalization for any one illness without prior approval of the division of welfare.

Payments for drugs shall be twenty percent less than the amount arrived at for such payments pursuant to regulations, standards, schedules and plans in effect on the effective date of this act.

The division of welfare is directed and authorized to make continuing and detailed review of the utilization of hospital and physicians' services by welfare recipients.

Division of mental health:

Office of director:	
Salary of director	\$ 28,350
Other personal services:	
Permanent	<u>25,920</u>

Current expenses	4,775	
Travel:		
In state	500	
Out of state	1,100	
Other expenses	1,023	
	<hr/>	
Total	\$ 61,668	
Less federal funds	16,053	
	<hr/>	
Total		\$ 45,615
Bureau of family care:		
Personal services:		
Permanent	\$ 24,101	
Current expenses	1,350	
Travel:		
In state	700	
Out of state	100	
Other expenditures:		
Payments for family care homes*	50,000	
	<hr/>	
Total		76,251

*The division of investigation of accounts shall investigate and recommend recovery from recipients where payment ability exists.

Office of mental retardation:

Personal services:		
Permanent	\$ 38,671	
Current expenses	2,300	
Travel:		
In state	750	
Out of state	450	
	<hr/>	
Total		42,171

Office of community mental health services:

Personal services:		
Permanent	\$ 13,602	
Current expenses	975	
Travel:		
In state	300	
Out of state	250	
	<hr/>	
Total		15,127

Other expenditures:*

Grants to community mental health services	\$640,000†	
Less federal funds	65,000	
	<hr/>	

Net appropriation 575,000

*These funds shall not be expended for any other purpose, shall be non-lapsing in the first year of the biennium, and if sufficient funds are not available for both years of the biennium for full implementation, these funds shall be prorated.

‡This appropriation includes \$17,000 which shall be paid to the Moore School, Manchester, N. H.

Total for office of director		<u>\$754,164</u>
Laconia state school:		
Administration:		
Salary of superintendent	\$ 17,280	
Salary of deputy superintendent	18,800	
Other personal services:		
Permanent	92,803	
Current expenses	3,500	
Travel:		
In state	750	
Out of state	500	
Total		<u>\$ 133,633</u>
Professional care and treatment:		
Personal services:		
Permanent	\$1,538,743	
Other	18,000	
Current expenses	46,442	
Travel:		
In state	50	
Equipment	5,000	
Total		<u>1,608,235</u>
Custodial care:		
Personal services:		
Permanent	\$ 303,776	
Other	3,200	
Current expenses	67,715	
Purchases from institution's farm†	77,500	
Purchases of food††	144,785	
Travel:		
In state	100	
Equipment	2,620	
Total		<u>599,696</u>

†In this appropriation \$77,500 shall be for products used from the institution's farm. No part of this amount shall be transferred to any other appropriation or expended for any other purpose. The institution's farm shall receive credit for all products used even though in excess of \$77,500.

††Shall not be transferred or used for any other purpose.

Operation of plant:

Personal services:	
Permanent	\$ 91,780
Current expenses	100,000
Equipment	2,090
Other expenditures:	
Lumber*	2,000

Total	195,870
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*This appropriation of \$2,000 shall be for lumber used from the institution's farm. No part of this amount shall be transferred to any other appropriation or expended for any other purpose. The institution's farm shall receive credit for all lumber used even though in excess of \$2,000.

Maintenance of plant:

Personal services:	
Permanent	\$ 52,426
Current expenses	20,000
Equipment	2,650
Other expenditures:	
Care of grounds*	14,500
Special maintenance projects**	20,000

Total	109,576
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*The institution's farm shall receive credit for all supplies, work and services rendered even though in excess of \$14,500. No part of this appropriation shall be transferred or used for any other purpose.

**This appropriation of \$20,000 shall be used for patient facilities projects only. No part of this appropriation shall be transferred or expended for any other purpose.

Agriculture:

Personal services:	
Permanent	\$ 75,597
Other	1,750
Current expenses	45,300
Travel:	
In state	25
Equipment	6,750

Total	\$129,422
Less credit transfer	94,000
Less estimated revenue	10,000

Net appropriation	25,422
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Training and education:

Personal services:	
Permanent	\$300,586
Other	7,000
Current expenses	9,000
Travel:	
In state	1,000
Equipment	1,400
Other expenditures:	
Work incentive program	5,000

Total	323,986
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Note: As vacancies develop, the following cottage staffing organization, subject to governor and council approval, is authorized, but in amount not to exceed the appropriation for the eliminated positions.

<i>Positions Authorized</i>	<i>Positions Eliminated</i>
4 Cottage Parent II	5 Cottage Cooks
17 Cottage Watchmen	5 Cottage Parents
1 Rec. Aide	5 Cottage Watchmen
2 Cottage Coordinators	
Total for Laconia state school	\$2,996,418
Less refunds (maintenance)	16,000
Net appropriation for Laconia state school	<u>\$2,980,418</u>

New Hampshire hospital:

Administration:

Salary of superintendent	\$ 26,292
Salary of assistant superintendent	20,637
Other personal services:	
Permanent	236,203
Other	1,500
Current expenses	40,000
Travel:	
In state	200
Out of state	1,000
Equipment	765
Total	<u>\$ 326,597</u>

Sanatorium patient care:*

Other expenditures:	
Services — classified	\$ 27,484
Current expenses	25,091
Total	<u>52,575</u>

*This appropriation based on transfer of 35 patients to the sanatorium. Employment of personnel or per diem payments shall be proportionately related to patients so transferred. These funds shall not be transferred or expended for any other purpose.

Research:

Other expenditures	\$32,000
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Professional care and treatment:

Personal services:	
Unclassified	\$ 299,882
Permanent	3,728,021
Other	145,000
Current expenses*	72,000
Drugs:	
Out patients†	30,000††
In patients	150,000††
Travel:	
In state	4,000
Out of state	2,500
Equipment	10,000
Total	<u>4,441,403</u>

* No charge against this appropriation or any other appropriation of the New Hampshire hospital shall be made for nurses' uniforms.

†Payment ability for reimbursement to the state shall be the responsibility of the division of investigation of accounts.

††These amounts shall not be transferred or expended for any other purpose.

Custodial care:

Personal services:

Permanent \$887,272

Other 12,000

Current expenses* 722,310

Travel:

In state 25

Equipment 17,500

Total 1,639,107

*In this appropriation \$100,000 shall be for products used from the institution's farm. No part of this amount shall be transferred to any other appropriation or expended for any other purpose. The institution's farm shall receive credit for all products used even though in excess of \$100,000.

Operation of plant:

Personal services:

Permanent \$220,566

Other 13,800

Current expenses 240,000

Travel:

In state 25

Equipment 15,000

Total 489,391

Maintenance of plant:

Personal services:

Permanent \$303,263

Other 350

Current expenses 69,000

Equipment 3,000

Other expenditures:

Contractual repairs* 18,000

Total 393,613

*This appropriation shall not be transferred or expended for any other purpose.

Agriculture:

Personal services:

Permanent \$ 87,692

Other 6,600

Current expenses 50,740

Travel:

In state 25

Equipment 4,775

Total	\$149,832	
Less credit transfers	100,000	
Less estimated revenue	24,200	
	<hr/>	
Net appropriation		25,632
Pathology laboratory:		
Personal services:		
Permanent	\$ 17,645	
Other	15,100	
Current expenses	750	
Equipment	730	
	<hr/>	
Total		34,225
Children's services:		
Personal services:		
Permanent	\$311,666	
Other	500	
Current expenses	9,000	
Travel:		
In state	200	
Out of state	700	
Equipment	15,475	
Other expenditures:		
Training program	1,000	
Consultants	4,500	
	<hr/>	
Total		343,041
In service training:		
Personal services:		
Other	\$ 21,790	
Current expenses	800	
Travel:		
In state	346	
Equipment	200	
Other expenditures		
Oasi and retirement	1,864	
	<hr/>	
Total	\$ 25,000	
Less estimated federal funds	25,000	
	<hr/>	
Net appropriation		0
Total for New Hampshire hospital	\$7,777,584	
Less maintenance refunds	63,500	
	<hr/>	
Net appropriation for New Hampshire hospital		\$7,714,084
	<hr/>	
Total for division of mental health		11,448,666

Note 1: Any federal funds received for therapeutic education shall reduce the net general fund appropriation.

Note 2: Federal reimbursement for medicare shall be deposited with the state treasurer as unrestricted general fund revenue.

Office of comprehensive health planning:

Personal services:

Permanent \$ 28,541

Other 500

Current expenses 3,600

Travel:

In state 1,650

Out of state 860

Equipment 300

Other expenditures:

Oasi, retirement, blue cross and insurance 4,600

Total \$ 40,051

Less estimated federal funds 30,038

Net appropriation for office of
comprehensive health planning 10,013

Total for department of health and
welfare \$21,857,260

For barbers board:

Personal services:

Other \$ 1,900

Current expenses 700

Travel:

In state 1,200

Out of state 350

Other expenditures:

Transfer to board of hairdressers for salary of
clerk IV and temporary clerk-typist I 2,500

Total for barbers board \$ 6,650

For cancer commission:

Personal services:

Permanent \$ 14,045

Other 31,500

Current expenses 88,380

Travel:

In state 650

Total for cancer commission \$134,575

For dental board:

Personal services:

Other \$ 1,930

Current expenses 450

Travel:

In state 150

Out of state	700	
Total for dental board		\$ 3,230
<hr/>		
For board of registration of funeral directors and embalmers:		
Personal services:		
Other	\$ 735	
Current expenses	650	
Travel:		
In state	400	
Out of state	350	
Other expenditures:		
Training and examinations	350	
Total for board of registration of funeral directors and embalmers		\$ 2,485
<hr/>		
For board of hairdressers:		
Personal services:		
Permanent	\$ 12,494	
Other	3,000	
Current expenses	1,650	
Travel:		
In state	2,000	
Out of state	350	
Other expenditures:		
Teachers' seminar	500	
Total	\$ 19,994	
Less transfer from barbers board	2,500	
Net appropriation for board of hairdressers		\$ 17,494
<hr/>		
For board of registration in medicine:		
Personal services:		
Other	\$ 2,000	
Current expenses	8,000	
Travel:		
In state	175	
Out of state	300	
Total for board of registration in medicine		\$ 10,475
<hr/>		
For pharmacy commission:		
Personal services		
Other	\$ 6,675	
Current expenses	900	
Travel:		
In state	1,000	
Out of state	500	

Total for pharmacy commission		\$ 9,075
For board of registration in podiatry:		
Personal services:		
Other	\$ 135	
Current expenses	100	
Travel:		
In state	50	
Total for board of registration in podiatry		\$ 285
For veterans council:		
Salary of director	\$ 10,000	
Other personal services:		
Permanent	21,613	
Current expenses	1,150	
Travel:		
In state	2,300	
Out of state	150	
Equipment	335	
Other expenditures:		
Veterans burials	4,000	
Total	\$ 39,548	
Less estimated refunds	500	
Net appropriation for veterans council		\$ 39,048
For insurance department:		
Office of commissioner:		
Salary of commissioner	\$ 14,680	
Salary of deputy commissioner	11,560	
Salary of assistant to commissioner	10,350	
Other personal services:		
Permanent*	98,944	
Other	5,000	
Current expenses	18,000	
Travel:		
In state	225	
Out of state	2,500	
Equipment	630	
Total		\$161,889
*This appropriation includes a position of insurance examiner who shall be classified in labor grade 29.		
Rating division:		
Personal services:		
Permanent	\$ 22,152	
Current expenses	1,400	

Travel:		
In state	50	
Out of state	350	
Equipment	240	
	<hr/>	
Total		\$ 24,192
		<hr/>
Total for insurance department		\$186,081
		<hr/>
For department of labor:		
Office of commissioner:		
Salary of commissioner	\$ 13,500	
Salary of deputy commissioner	9,568	
Other personal services:		
Permanent	22,248	
Other	1,690	
Current expenses	8,500	
Travel:		
In state	700	
Out of state	1,000	
Equipment	475	
	<hr/>	
Total		\$ 57,681
Inspection division:		
Personal services:		
Permanent	\$ 65,646	
Current expenses	3,000	
Travel:		
In state	5,200	
Equipment	2,575	
	<hr/>	
Total		76,421
Workman's compensation division:		
Personal services:		
Permanent	\$ 24,085	
Current expenses	5,550	
Travel:		
In state	200	
	<hr/>	
Total		29,835
Division of labor statistics:		
Personal services:		
Permanent	\$ 34,663	
Current expenses	10,528	
Travel:		
In state	25	
	<hr/>	
Total	45,216	
Boiler inspection:		
Personal services:		
Permanent	\$ 3,118	

Current expenses	184	
Total		3,302
Elevator inspection:		
Personal services:		
Permanent	\$ 1,040	
Current expenses	191	
Total		1,231
New Hampshire apprenticeship council:		
Other expenditures:		
Apprenticeship council		350
Total for department of labor		<u>\$214,036</u>

Note: Other provisions of law notwithstanding, all revenue received by the department of labor shall be deposited with the state treasurer as unrestricted general fund revenue.

For personnel department:

Salary of director	\$ 14,220	
Salary of deputy director	12,300	
Other personal services:		
Permanent	98,749	
Other	1,895	
Current expenses	8,600	
Travel:		
In state	2,280	
Out of state	600	
Equipment	1,675	
Total	\$140,319	
Less estimated revenue†	1,000	
Less estimated federal funds	19,788	
Net appropriation for personnel department		<u>\$119,531</u>

†Revenue in excess of the estimate resulting from municipal examinations may be expended with prior approval of the governor and council.

For resources and economic development:

Office of commissioner:

Administration, warehouse and graphic arts:

Salary of commissioner	\$ 17,160
Other personal services:	
Permanent	147,845
Other	8,400
Current expenses	20,500
Travel:	
In state	1,000
Out of state	1,800
Equipment	6,250

Total		\$202,955
Design, development and maintenance:		
Personal services:		
Permanent	\$111,614	
Other	2,940	
Current expenses	5,400	
Travel:		
In state	2,250	
Out of state	100	
Equipment	5,370	
Total	\$127,674	
Less maintenance refunds	410	
Net appropriation		127,264
Community recreation service:		
Personal services:		
Permanent	\$ 14,560	
Current expenses	1,732	
Travel:		
In state	1,208	
Out of state	514	
Total		18,014
State geology:		
Personal services:		
Other	\$ 2,000	
Current expenses	3,500	
Travel:		
In state	150	
Out of state	200	
Other expenditures:		
Geologic mapping	12,000	
Geology booklets	2,800	
Total		20,650
Other expenditures:		
New England regional commission	\$ 49,700	
New England river basins commission	10,000	
N.H. Vt. development council	10,000	
Total		69,700
Total for office of commissioner		\$438,583
Division of resources development:		
Salary of director	\$ 14,117	

Other personal services:	
Permanent	381,297
Other†	61,500
Current expenses	32,000
Travel:	
In state	21,900
Out of state	900
Equipment	25,000
Other expenditures:	
State's share of town prevention bills	3,000
State's share of town warden training expenses	3,600
State's share of special deputy training bills	2,000
Repairs to machinery	3,000
Repairs to buildings	3,000
Silviculture	3,000

Total	<u>\$554,314</u>
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Less revenue:	
Clarke-McNary law — sections 2 and 4	105,000
White pine blister rust	26,000
Nursery seed orchard — title IV	10,000
Forest pest and disease	15,000
Other revenue	<u>3,052</u>

Net appropriation for division of resources development	395,262
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†In this appropriation \$31,000 shall be for the state's share of the county forestry program.

Division of economic development:

Administration:	
Salary of director	\$ 14,040
Other personal services:	
Permanent	52,962
Other	3,500
Current expenses	41,800
Travel:	
In state	1,050
Out of state	900
Equipment	3,000
Other expenditures:	
Regional associations*	<u>35,000</u>

Total	\$152,252
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*This appropriation shall be equally divided between the six regional associations.

Industrial development:

Salaries of three senior industrial agents	\$ 33,525
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Other personal services:		
Permanent	78,398	
Current expenses	13,600	
Travel:		
In state	7,500	
Out of state	9,000	
	<hr/>	
Total		142,023
Planning and research:		
Personal services:		
Permanent	\$109,009	
Current expenses	2,400	
Travel:		
In state	2,800	
Out of state	1,200	
Equipment	115	
Other expenditures:		
State and regional planning	8,200	
	<hr/>	
Total		123,724
Vacation travel promotion:		
Personal services:		
Permanent	\$ 83,643	
Travel:		
In state	2,000	
Out of state	4,000	
Other expenditures:		
Printing and binding	80,000	
Advertising*	150,000	
Montreal office	25,500	
Boston office	18,422	
Bulletin of vacation inquiries	1,600	
Cooperative promotion,		
New England	5,000	
	<hr/>	
Total		370,165

*Legislative intent is that these funds may be used for in-state cooperative promotion with governor and council approval.

Total for division of economic development		788,164
Urban planning assistance:		
Personal services:		
Other	\$305,000	
Current expenses	3,000	
Travel:		
In state	2,000	
Other expenditures	2,000	
	<hr/>	
Total		\$312,000

Less revenue and balance*

310,000†

Net appropriation for urban
planning assistance

2,000

*Any state earned income shall be deposited to the general fund.

†Revenue in excess of \$310,000 may be expended subject to prior approval by the governor and council.

Division of parks:

Administration

Salary of director \$ 14,400

Other personal services:

Permanent 38,478

Other 3,500

Current expenses 5,000

Travel:

In state 1,500

Out of state 500

Other expenditures:

Parks promotion* 55,000

Total

\$118,378

*This appropriation includes \$2,000 for Sunapee band concerts which shall not be transferred or expended for any other purpose.

Self-supporting parks:

Personal services:

Permanent \$467,514

Other 182,920

Current expenses* 132,710

Travel:

In state 750

Out of state 300

Equipment 35,000

Other expenditures:

Major repairs† 45,000

Snow making** 41,760

Total

905,954

*Other provisions of law notwithstanding the division of parks shall not be required to carry fire, extended coverage or inland marine insurance.

†No part of this appropriation shall be transferred or expended for any other purpose. Travel expenses incidental to major repair projects may be considered as a proper charge against this appropriation.

**This appropriation shall not be transferred or expended for any other purpose; authorized expenditures may include personal services and current expenses.

Service parks:

Personal services:

Permanent \$ 91,261

Other 390,811

Current expenses	110,000
Travel:	
In state	2,000
Equipment	35,000
Other expenditures:	
Major repairs*	40,000
	<hr/>
Total	669,072

*No part of this appropriation shall be transferred or expended for any other purpose. Travel expenses incidental to major repair projects may be considered as a proper charge against this appropriation.

Bonds and interest;†

Chapter 337, laws of 1955	
Issue of 1959	\$ 29,177
Chapter 293, laws of 1957	
Issue of 1959	30,607
Chapter 297, laws of 1959	
Issue of 1961	10,140
Chapter 264, laws of 1961	
Issue of 1963	43,120
Chapter 263, laws of 1961	
Issue of 1963	272,800
Chapter 263, laws of 1961	
Issue of 1965	299,200
Chapter 263, laws of 1961	
Issue of 1969	89,000
	<hr/>
Total bonds and interest	774,044

†No part of this appropriation shall be transferred or expended for any other purpose.

Oasi, retirement and blue cross	24,310
	<hr/>
Total	\$2,491,758
Less revenue	2,100,000
Net appropriation for division of parks	391,758

Note 1: Other provisions of law notwithstanding, the balance in the recreation fund at June 30, 1971, shall lapse to the unappropriated surplus of the general fund.

Note 2: No passes issued by the department shall be transferable.

Hampton special services:

Personal services:	
Other†	\$ 30,609
Current expenses	2,500
Travel:	
In state	50
	<hr/>
Total	\$ 33,159
Less estimated revenue	10,000
	<hr/>

Net appropriation for Hampton

special services 23,159

†This appropriation includes \$5,934 for six (6) laborers for beach cleaning and \$1,200 for two (2) laborers for meter area cleaning, and no part of these amounts shall be transferred or expended for any other purpose.

Hampton beach parking facility:

Personal services:

Other \$ 9,500

Current expenses 5,500

Travel:

In state 100

Other expenditures:

Beach nourishment 10,000

Hampton sea wall bonds and interest 81,588

 Total \$106,688

 Less estimated revenue 40,000

 Net appropriation for Hampton beach
parking facility

66,688

 Total for department of resources and
economic development

 \$2,105,614

Industrial development authority:†

Personal services:

Permanent \$ 20,962

Other 1,000

Current expenses 5,100

Travel:

In state 2,000

Out of state 350

 Total for industrial development
authority

 \$ 29,412

†Authority is hereby given to utilize so much as may be necessary of any surplus accumulated during fiscal 1970 within the agency without the use of any other state funds, as may be specifically approved by the Governor and Council.

For department of safety:

Office of commissioner:

Salary of commissioner \$ 17,160

Other personal services:

Permanent 87,835

Current expenses 6,500

Travel:

In state 1,000

Out of state 800

Other expenditures:

Oasi and retirement 7,576

Blue cross and insurance	624	
Consultant fees	5,000*	
Total	\$126,495	
*Shall not be expended without prior approval of governor and council.		
Data processing section:		
Personal services:		
Permanent	\$ 49,855	
Current expenses	63,120	
Travel:		
Out of state	100	
Other expenditures:		
Oasi and retirement	3,052	
Blue cross and insurance	220	
Total	\$116,347	
Total for office of commissioner	\$242,842	
Less transfer from highway fund	230,950	
Net appropriation for office of commissioner		\$ 11,892
Division of motor vehicles:		
Administration:		
Salary of director	\$ 12,480	
Other personal services:		
Permanent	267,654	
Other	48,000	
Current expenses	305,300	
Travel:		
In state	1,000	
Out of state	300	
Other expenditures:		
Oasi and retirement	24,623	
Blue cross and insurance	1,746	
Total	\$661,103	
Motor vehicle revenue investigations:		
Personal services:		
Permanent	\$ 32,378	
Travel:		
In state	5,000	
Total	\$ 37,378	
Road toll section:		
Personal services:		
Permanent	\$ 62,667	
Current expenses	1,900	

Travel:	
In state	2,100
Out of state	3,000
Equipment	4,000
Other expenditures:	
Oasi and retirement	4,701
Blue cross and insurance	314
	<hr/>
Total	\$ 78,682
	<hr/>
Total for division of motor vehicles	\$777,163
Less transfer from highway funds	777,163
	<hr/>
Net appropriation for division of motor vehicles	0

Note: Motor vehicle registration revenue and license revenue in excess of estimates may be expended upon prior approval of the governor and council for costs related to increased motor vehicle registrations and increased licenses respectively.

Initial plate fund:

Personal services:	
Permanent	\$ 17,055
Current expenses	11,000
Travel:	
In state	1,000
Out of state	500
Equipment	2,000
Other expenditures:	
Oasi, retirement, blue cross and insurance	1,504
Drivers assistance*	200,000
Local police training school	4,000
	<hr/>
Total	\$237,059
Less estimated revenue and balance**	237,059
	<hr/>

Net appropriation for initial plate fund 0

*The commissioners of safety and education to recommend to governor and council a more realistic per-pupil reimbursement of driver training assistance. Not to be transferred or expended for any other purpose.

**Other provisions of law notwithstanding, the balance in the initial plate fund at June 30, 1971, shall not lapse but shall be a carry forward to July 1, 1971.

Certificate of title:

Personal services:	
Permanent	\$140,833
Current expenses	42,810
Travel:	
In state	2,000
Out of state	500
Equipment	2,000

Other expenditures:	
Oasi and retirement	11,296
Blue cross and insurance	1,361

Total	\$200,800
Less transfer from highway funds	200,800

Net appropriation for certificate of title	0
Snowmobile section:†	
Current expenses	1,700

†Other provisions of law notwithstanding, revenue received from the snowmobile section shall be deposited with the state treasurer as unrestricted general fund revenue.

Division of safety services:	
Salary of director	\$ 12,168
Salary of fire marshal	11,110
Other personal services:	
Permanent	177,177
Other	76,000
Current expenses	65,000
Travel:	
In state	49,050
Out of state	1,200
Equipment	30,000
Other expenditures:	
Oasi and retirement	19,189
Blue cross and insurance	1,000
Civil defense and rescue training center	500

Total	\$442,394
Less transfer from highway fund	287,556

Net appropriation for division of safety services	154,838
Motorcycle licensing:	

Personal services:	
Permanent	\$ 20,689
Current expenses	500
Travel:	
In state	3,000
Equipment	6,000

Total	\$ 30,189
Less transfer from highway fund	30,189

Net appropriation for motorcycle licensing	0
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Tramway board:	
Personal services:	
Permanent	\$ 8,975
Current expenses	150

Travel:		
In state		760
Out of state		210
Other expenditures:		
Oasi and retirement		650
Blue cross and insurance		60
		<hr/>
Total for tramway board		10,805
Division of state police:		
Traffic bureau:		
Salary of director	\$ 14,040	
Other personal services:		
Permanent	1,249,202	
Other	1,500	
Current expenses	103,830	
Travel:		
In state	228,600	
Out of state	1,500	
Equipment	184,075	
Other expenditures:		
Oasi and retirement	69,374	
Blue cross and insurance	5,876	
For new troopers:		
Training	1,700	
Automobiles	9,600	
Radios	2,400	
Uniforms and equipment	2,400	
Oasi, retirement, blue cross		
and insurance	4,334	
Auxiliary police	10,000	
Ammunition	2,920	
Board, training and care of		
five (5) dogs	2,000	
	<hr/>	
Total	\$1,893,351	
Less estimated revenue	50,000	
Less transfers from turnpike	151,300	
Less transfer from highway		
fund	1,692,051	
	<hr/>	
Net appropriation for		
traffic bureau	\$	0

Note 1: Trooper dog handlers shall be classified as corporal technicians.

Note 2: Commissioner of safety shall replace troopers at headquarters and division offices with clerks whenever possible.

Detective bureau:

Personal services:

Permanent	\$116,741
Current expenses	15,000

Travel:		
In state	6,600	
Out of state	500	
Equipment	7,150	
Other expenditures:		
Oasi and retirement	7,548	
Blue cross and insurance	645	
	<hr/>	
Total for detective bureau		154,184
Communications section:		
Personal services:		
Permanent	\$ 91,804	
Current expenses	17,050	
Travel:		
In state	4,115	
Other expenditures:		
Oasi and retirement	5,908	
Blue cross and insurance	507	
	<hr/>	
Total	\$119,384	
Less transfer from highway fund	101,476	
	<hr/>	
Net appropriation for communications section		17,908
		<hr/>
Net appropriation for division of state police		172,092
		<hr/>
Total for department of safety		\$351,327
		<hr/> <hr/>
For state coordinator of highway safety:		
Salary of coordinator	\$ 15,720	
Other personal services:		
Permanent	27,835	
Other	8,912	
Current expenses	6,960	
Travel:		
In state	4,065	
Out of state	1,840	
Equipment	815	
Other expenditures:		
Oasi and retirement	3,779	
Blue cross and insurance	210	
	<hr/>	
Total	\$ 70,136	
Less estimated federal funds	35,067	
Less transfer from highway fund	35,069	
	<hr/>	
Net appropriation for state coordinator of highway safety		\$ 0
		<hr/> <hr/>

For secretary of state:		
Office of secretary:		
Salary of secretary	\$ 16,060	
Salary of deputy secretary	13,300	
Other personal services:		
Permanent	54,022	
Current expenses	10,000	
Travel:		
In state	125	
Out of state	350	
Equipment	475	
	<hr/>	
Total		\$ 94,332
Elections division:		
Personal services:		
Other	\$ 6,500	
Current expenses	5,500	
Travel:		
In state	75	
Other expenditures:		
Printing and binding	25,000	
	<hr/>	
Total		37,075
Xerox division:		
Personal services:		
Permanent	\$ 4,725	
Other	273	
Current expenses	7,000	
	<hr/>	
Total	\$ 11,998	
Less estimated revenue*	3,000	
	<hr/>	
Net appropriation		8,998
Note: Revenue in excess of the estimate may be expended with prior approval of the governor and council.		
Other expenditures:		
Trading stamps	\$ 500	
Auctioneers	500	
	<hr/>	
Total		1,000
		<hr/>
Total for secretary of state		\$141,405
		<hr/>
For board of accountancy:		
Personal services:		
Other	\$ 1,175	
Current expenses	1,100	
Travel:		
In state	50	
	<hr/>	

Total for board of accountancy		<u><u>\$ 2,325</u></u>
For board of registration for architects:		
Personal services:		
Other	\$ 2,000	
Current expenses	1,000	
Travel:		
In state	400	
Out of state	500	
		<u> </u>
Total for board of registration for architects		<u><u>\$ 3,900</u></u>
For state athletic commission:*		
Personal services:		
Other	\$ 450	
Current expenses	75	
Travel:		
In state	250	
		<u> </u>
Total for state athletic commission		<u><u>\$ 775</u></u>

*The provisions of RSA 285:2 are hereby suspended for the fiscal year ending June 30, 1971. During fiscal year 1971, the chairman-secretary shall receive ten dollars a day when engaged in the performance of his duties under the provisions of this chapter, together with his actual traveling and other necessary expenses. The other two commissioners shall receive ten dollars a day, travel and other necessary expenses incurred when engaged in the actual performance of their duties at the call of the chairman.

For board of chiropractic examiners:		
Personal services:		
Other	\$ 2,300	
Current expenses	400	
Travel:		
In state	900	
Out of state	200	
		<u> </u>
Total for board of chiropractic examiners		<u><u>\$ 3,800</u></u>
For board of professional engineers:		
Personal services:		
Other	\$ 6,480	
Current expenses	2,555	
Travel:		
In state	190	
Out of state	470	
		<u> </u>
Total for board of professional engineers		<u><u>\$ 9,695</u></u>

Note: Other provisions of law notwithstanding, all revenue received

by the board of professional engineers shall be deposited with the state treasurer as unrestricted general fund revenue.

For board of registration in optometry:

Personal services:

Other \$ 480

Current expenses 355

Travel:

In state 180

Out of state 245

Total for board of registration in
optometry

\$ 1,260

For board of psychologists:

Personal services:

Other \$ 50

Current expenses 200

Travel:

In state 50

Out of state 100

Total for board of psychologists

\$ 400

For state library:

Administration:

Salary of librarian \$ 12,540

Salary of assistant librarian 10,920

Other personal services:

Permanent 182,546

Other 1,500

Current expenses 25,000

Travel:

In state 3,900

Out of state 350

Equipment* 88,055

Total

\$324,811

*In this appropriation \$17,500 is for motor vehicles and no part of this amount shall be transferred or expended for any other purpose.

State aid:

Grants-in-aid to libraries 40,000

Library services and construction act:

Title I:

Personal services:

Permanent \$126,405

Other 2,500

Current expenses 17,950

Travel:

In state 2,150

Out of state 1,000

Equipment* 32,990

Other expenditures:	
Social security	12,121
Training and scholarships**	4,000

Total	\$199,116
Less estimated federal funds	199,116

Net appropriation 0

*In this appropriation \$32,320 is for books.

**This appropriation shall not be transferred or expended for any other purpose.

Title II:

Other expenditures:	
Construction additions and remodeling	\$199,453
Less estimated federal funds	199,453

Net appropriation 0

Title III:

Personal services:	
Permanent	\$ 4,550
Current expenses	15,139
Equipment	5,350
Other expenditures:	
Grants	15,000
Social security	415

Total	\$ 40,454
Less estimated federal funds	40,454

Net appropriation 0

Title IV A:

Personal Services:	
Permanent	\$ 12,573
Current expenses	650
Travel:	
In state	400
Out of state	200
Equipment	18,577
Other expenditures:	
Grants	4,374
Social security	1,226

Total	\$ 38,000
Less estimated federal funds	38,000

Net appropriation 0

Title IV B:

Personal services:	
Permanent	\$ 16,979
Current expenses	10,900

Travel:		
In state	300	
Out of state	250	
Equipment	2,000	
Other expenditures:		
Social security	1,676	
	<hr/>	
Total	\$ 32,105	
Less estimated federal funds	23,750	
	<hr/>	
Net appropriation		8,355
Centralized catalog card service:		
Personal services:		
Permanent	\$ 7,989	
Current expenses	6,197	
Other expenditures:		
Social security	814	
	<hr/>	
Total	\$ 15,000	
Less estimated revenue	15,000	
	<hr/>	
Net appropriation		0
		<hr/>
Total for state library		\$373,166
		<hr/> <hr/>
For state treasury:		
Administration:		
Salary of treasurer	\$ 16,155	
Salary of deputy treasurer	13,120	
Other personal services:		
Permanent	124,551	
Other	2,800	
Current expenses	28,728	
Travel:		
In state	100	
Out of state	670	
Equipment	855	
	<hr/>	
Total		\$186,979
Trust funds:		
Agricultural college fund	\$ 4,800	
Hamilton Smith fund	400	
Benjamin Thompson fund	31,896	
	<hr/>	
Total		37,096
Expense re head tax		150
Bounties — payments to cities and towns*		5,000
Retirement division:		
Salary of assistant state treasurer	\$ 10,908	
Other personal services:		
Permanent	71,293	

Other	500
Current expenses	7,055
Travel:	
In state	1,000
Out of state	200
Equipment	448
Other expenditures:**	
Consulting services	2,500
Consulting actuary	22,000
Normal contribution	1,395,017
Accrued liability contribution	1,015,000
Hospitalization and group life insurance	170,000
Total	<u>\$2,695,921</u>
Less:	
Administrative costs charged to political subdivisions	20,000
Reimbursement of group life and hospitalization from federal and self-sustaining departments	<u>30,000</u>
Net appropriation	<u>2,645,921</u>
Total	<u>\$2,875,146</u>
Less transfer from highway fund	<u>22,762</u>
Net appropriation for state treasury	<u><u>\$2,852,384</u></u>

*This appropriation shall be a continuing appropriation and shall not lapse.

**None of the individual amounts appropriated under other expenditures shall be transferred or expended for other than the stated purpose.

For industrial school:

Administration:	
Salary of superintendent	\$ 15,600
Salary of deputy superintendent	10,000
Other personal services:	
Permanent	35,268
Current expenses	8,700
Travel:	
In state	400
Out of state	700
Equipment	340
Total	<u>\$ 71,008</u>
Instruction:	
Personal services:	
Permanent	\$ 69,446
Other	5,875
Current expenses	1,800

Equipment	900	
Total		78,021
Custodial care:†		
Personal services:		
Permanent	\$426,532	
Other*	17,000	
Current expenses**	85,650	
Equipment	2,500	
Total		531,682
†Such sums as may be required for the custody of certain inmates shall be transferred from the emergency fund upon approval by the governor and council.		
*In this appropriation \$7000 is for psychiatric diagnostic service, and no part of this amount shall be transferred or expended for any other purpose.		
**In this appropriation \$61,000 is for food and no part of this amount shall be transferred or expended for any other purpose.		
Auxiliary to custodial care:		
Personal services:		
Other		8,000
Operation of plant:		
Personal services:		
Permanent	\$ 29,023	
Other	225	
Current expenses	39,000	
Equipment	2,750	
Total		70,998
Maintenance of plant:		
Personal services:		
Permanent	\$ 45,301	
Other	1,525	
Current expenses	10,000	
Total		56,826
Boys' and girls' benefit fund:		5,700
Parole:		
Personal services:		
Permanent	\$ 59,327	
Current expenses	500	
Travel:		
In state	4,000	
Out of state	650	
Total		64,477
Total		\$886,712
Less refunds (maintenance)		7,000

Net appropriation for industrial school		<u><u>\$879,712</u></u>
For soldiers' home:		
Office of the commandant:		
Salary of the commandant:	\$ 9,340	
Other personal services:		
Permanent	9,740	
Other	575	
	<hr/>	
Total		\$ 19,655
Custodial care:		
Personal services:		
Permanent	\$ 35,386	
Other	1,855	
	<hr/>	
Total		37,241
Professional care and treatment:		
Personal services:		
Permanent	\$ 78,190	
Other	6,000	
	<hr/>	
Total		84,190
Operation and maintenance of plant:		
Personal services:		
Permanent	\$ 14,152	
Other	500	
Current expenses	46,000	
Travel:		
In state	800	
Equipment	500	
Other expenditures:		
Repairs and renovations	2,688	
	<hr/>	
Total		64,640
		<hr/>
Total		\$205,726
Less refunds (maintenance)		200
Less revenue and balance		145,800
		<hr/>
Net appropriation for soldiers' home		<u><u>\$ 59,726</u></u>
For state prison:		
Administration:		
Salary of warden	\$ 15,780	
Other personal services:		
Permanent	19,659	
Other	300	
Current expenses	3,007	
Travel:		
In state	800	
Out of state	425	

Equipment	440	
Total		\$ 40,411
Instruction:		
Personal services:		
Other		11,080
Custodial care:		
Salary of deputy warden	\$ 10,180	
Other personal services:		
Permanent*	362,199	
Other	33,530	
Current expenses**	122,000	
Equipment	285	
Other expenditures*		
Custody of certain inmates†	6,000	
Total		534,194
*The position of housekeeper included herein shall be deleted when the present incumbent retires.		
**In this appropriation \$21,500 shall be for products used from the institution's farm and no part of this amount shall be transferred or expended for any other purpose. The institution's farm shall receive credit for all products used even though in excess of \$21,500.		
†This appropriation shall be available for the custody of unmanageable inmates in out-of-state institutions or federal penitentiaries when no suitable institution exists in New Hampshire. Any payments out of this appropriation shall be made with approval of the governor and council. This fund may also be used for such inmates who have been sent to such out-of-state institutions from the Laconia state school and the New Hampshire hospital. No part of this appropriation shall be transferred to any other appropriation or expended for any other purpose.		
Auxiliary to prison care and custody		
Personal services:		
Other	\$ 12,888	
Current expenses	7,680	
Other expenditures:		
Awards — gate money	4,800	
Total		\$ 25,368
Operation of plant:		
Personal services:		
Permanent	\$ 32,439	
Other	275	
Total		32,714
Maintenance of plant:		
Current expenses		11,500
Agriculture:		
Personal services:		
Permanent	\$ 15,903	

Other	3,700	
Current expenses	24,428	
Equipment	1,150	
Other expenditures:		
Butchering, curing meats and registry fees	675	
Total	<u>\$ 45,856</u>	
Less credit transfer	21,500	
Less estimated revenue	<u>30,000</u>	
Net appropriation		—5,644
Parole:		
Salary of parole officer	\$ 11,100	
Other personal services:		
Permanent	24,872	
Other	600	
Current expenses	1,200	
Travel:		
In state	1,700	
Out of state	350	
Equipment	1,830	
Total	<u></u>	41,652
Prison industries:		
Personal services:		
Permanent	\$109,697	
Other	14,200	
Current expenses	210,000	
Travel:		
In state	50	
Out of state	275	
Other expenditures:		
Legislative number plates	2,000	
Total	<u>\$336,222</u>	
Less estimated revenue and credits	<u>326,912</u>	
Net appropriation		9,310
Total		<u>\$700,585</u>
Less refunds (maintenance)		<u>2,863</u>
Net appropriation for state prison		<u>\$697,722</u>
For higher education fund:		
University of New Hampshire	\$8,121,126	
Keene state college	1,288,864	
Plymouth state college	1,166,797	
Debt service*	<u>2,723,213</u>	

Total for higher education fund†	\$13,300,000
For extension work in counties	\$ 111,400
Educational TV	\$ 250,000

*This appropriation shall not be transferred or expended for any other purpose. Debt service charges for all residence halls, dining halls and student unions shall be from the special fund maintained for income received from the collection of rents and the income therefrom.

†For the fiscal year ending June 30, 1971, the millage formula provided by RSA 187:24 is hereby suspended and the sums hereby appropriated shall be the total appropriation for the university of New Hampshire, Plymouth state college, and Keene state college, and shall be in lieu of requirements for appropriation under said RSA 187:24.

Note: Out-of-state tuition shall be set annually by the Board of Trustees at a figure which reflects actual cost of per capita operating costs including instructional expenses, overhead, and bond retirement (excluding self-liquidating bonds) as determined by the costs in the fiscal year just preceding the first of January for the fiscal year in which the tuition is to be charged.

For higher education facilities commission:

Personal services:	
Other	\$ 13,000
Current expenses	2,000
Travel:	
In state	200
Out of state	1,500
Total	\$ 16,700
Less estimated federal funds	\$ 16,700

Net appropriation for higher education
facilities commission

\$ 0

For board of education:

Administration:	
Salary of commissioner	\$ 17,340
Salary of deputy commissioner	14,211
Other personal services:	
Permanent	269,772
Other	1,400
Current expenses	21,800
Travel:	
In state	9,400
Out of state	2,650
Equipment	3,775
Other expenditures:	
Employees benefits	1,834
Curriculum and conferences	2,000

Total	\$344,182	
Less estimated federal funds	26,211	
	<hr/>	
Net appropriation		\$317,971
Safety and driver education:		
Personal services:		
Permanent	\$ 13,533	
Current expenses	750	
Travel:		
In state	1,000	
Out of state	300	
	<hr/>	
Total	\$ 15,583	
Less transfer from department of safety — initial plate fund	7,791	
Less estimated federal funds	7,792	
	<hr/>	
Net appropriation		0
State wide supervision:		
Other expenditures:		
Salaries and travel of superintendents, assistant superintendents, and teacher consultants†	\$1,446,971	
Superintendents' conference	1,400	
	<hr/>	
Total	\$1,448,371	
Less revenue from school districts	1,122,721	
	<hr/>	
Net appropriation		325,650
†The state board of education shall receive for disbursement sums paid by school districts for the additional salaries of superintendents under the provisions of RSA 189:44. In the above appropriation \$1,122,721 shall come from funds received under RSA 189:44, and the state's share shall not exceed \$324,250.		
Education of deaf:		
Current expenses*	\$ 496,800	
Less estimated revenue	82,640	
	<hr/>	
Net appropriation		414,160
*These funds shall be for payments to schools for board, room and tuition and shall not be expended for any other purpose, and no transfer shall be made therefrom.		
Education of handicapped children:		
Other expenditures:		
Grants to approved programs, as provided by RSA 186-a	\$ 127,747	
Less estimated revenue	18,348	
	<hr/>	
Net appropriation		109,399
Foundation aid:		
State aid to school districts*		4,409,448

*This appropriation shall not be transferred or expended for any other purpose.

Unorganized districts aid:

Tuition and transportation*	17,500	
Less estimated revenue	17,500	
Net appropriation		0

*Funds received from assessments against unincorporated places for benefit of public schools may be used for tuition and transportation upon approval of the governor and council.

School building construction:

Other expenditures:		
Aid to school districts for school building construction*	3,718,175	

*These funds shall not be expended for any other purpose, and no transfers shall be made therefrom. Funds shall be distributed under provisions of RSA 198:15a to e inclusive

Reorganization incentive aid to cooperative and area school districts	629,362	
Intellectually retarded children	219,554	
Emotionally disturbed children	40,000	
Special appropriation:		
Other expenditures*	75,000	

*To be spent at the discretion of the commissioner of education with respect to need for case services in the area of deaf, emotionally disturbed, physically handicapped, and intellectually handicapped children.

School lunch and milk programs — federal:

Other expenditures:

Reimbursements to school districts for:

School lunch program	\$470,000
Special milk program	457,000

Total†	\$927,000
Less estimated federal funds†	927,000

Net appropriation 0

†If the revenue received exceeds the estimate, such excess may be expended with approval of the governor and council.

Child nutrition act:

Non-food assistance	\$ 5,000
School breakfast program	35,000

Total	\$40,000
Less estimated federal funds	40,000

Net appropriation 0

National defense education act — title III:

Personal services:

Permanent	\$ 42,391
Current expenses	5,000

Travel:

In state	2,200
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Out of state	750	
Equipment	550	
Other expenditures:		
Oasi, retirement and insurance	2,000	
Curriculum studies and conferences	1,500	
Reimbursements to school districts	200,000	
	<hr/>	
Total	\$254,391	
Less estimated federal funds	227,195	
	<hr/>	
Net appropriation		27,196
National defense education act — title V:		
Personal services:		
Permanent	\$ 11,140	
Current expenses	1,550	
Travel:		
In state	775	
Out of state	200	
Other expenditures:		
Reimbursements to school districts	58,033	
Oasi, retirement and insurance	700	
	<hr/>	
Total	\$ 72,398	
Less estimated federal funds	65,215	
	<hr/>	
Net appropriation		7,183
National defense education act — title X:		
Personal services:		
Permanent	\$ 18,372	
Current expenses	8,500	
Travel:		
In state	100	
Out of state	350	
Other expenditures:		
Employees' benefits	1,000	
	<hr/>	
Total	\$ 28,322	
Less estimated federal funds	14,161	
	<hr/>	
Net appropriation		14,161
Fire service training:		
Personal services:		
Permanent	\$ 10,126	
Other	1,000	
Current expenses	1,000	
Travel:		
In state	1,000	
Out of state	200	
Other expenditures:		
District training, training institute, and training aids and equipment	22,760	

Employees' benefits	914	
	<hr/>	
Total	\$ 37,000	
Less estimated federal funds	19,000	
	<hr/>	
Net appropriation		18,000
Scholarships		2,700
Manpower development and training:		
Personal services:		
Permanent	\$ 29,029	
Other	1,000	
Current expenses	3,400	
Travel:		
In state	2,000	
Out of state	500	
Other expenditures:		
Oasi, retirement and insurance	2,475	
Approved projects and in service	200,000	
	<hr/>	
Total	\$238,404	
Less estimated federal funds	218,404	
	<hr/>	
Net appropriation		20,000
Vocational education acts:		
Personal services:		
Permanent	\$149,721	
Other	2,500	
Current expenses	8,025	
Travel:		
In state	6,500	
Out of state	2,950	
Equipment	80	
Other expenditures:		
Oasi, retirement and insurance	11,810	
Area vocational schools, apprenticeship training, reimbursements to local school districts, state institutes, teacher education, research, construction, equipment and other expenditures as permitted by vocational education acts.	909,285	
	<hr/>	
Total	\$1,090,871	
Less estimated federal funds	975,373	
	<hr/>	
Net appropriation		115,498
Vocational rehabilitation:		
Personal services:		
Permanent	\$280,986	
Other	1,000	
Current expenses	39,371	

Travel:		
In state	28,363	
Out of state	6,269	
Other expenditures:		
Oasi, retirement and insurance	25,480	
Case services	527,951	
In service training	2,000	
	<hr/>	
Total	\$911,420	
Less estimated federal funds	729,336	
	<hr/>	
Net appropriation		182,084
Disability determinations — federal:		
Personal services:		
Permanent	58,651	
Other	2,000	
Current expenses	10,056	
Equipment	760	
Travel:		
In state	500	
Out of state	1,550	
Other expenditures:		
Oasi, retirement and insurance	5,902	
Medical consultations and examinations	55,000	
Clients' travel	2,900	
	<hr/>	
Total	137,319	
Less estimated federal funds	137,319	
	<hr/>	
Net appropriation		0
Vocational rehabilitation — cooperative program — federal:		
Personal services:		
Permanent	\$391,984	
Current expenses	20,600	
Travel:		
In state	21,313	
Out of state	8,423	
Equipment	3,732	
Other expenditures:		
Employees' benefits	21,544	
Other	279,499	
	<hr/>	
Total	\$747,095	
Less estimated federal funds*	747,095	
	<hr/>	
Net appropriation		0

*Any additional federal funds which become available under this program may be expended subject to approval by governor and council.

Vocational rehabilitation — social security

trust fund:		
Personal services:		
Permanent	\$ 11,183	
Current expenses	1,145	
Travel:		
In state	1,354	
Out of state	356	
Other expenditures:		
Employees' benefits	634	
Case services	40,000	
	<hr/>	
Total	\$ 54,672	
Less estimated federal funds	54,672	
	<hr/>	
Net appropriation		0
Board of nursing education and nurse registration:		
Personal services:		
Permanent	\$ 28,087	
Other	1,000	
Current expenses	8,768	
Travel:		
In state	500	
Out of state	1,083	
Other expenditures:		
Board members' travel — in state	400	
Employees' benefits	2,433	
	<hr/>	
Total	\$ 42,271	
Less estimated revenue and balance	40,191	
	<hr/>	
Net appropriation		2,080
Civil defense education:		
Personal services:		
Permanent	\$ 14,497	
Other	9,500	
Current expenses	4,475	
Travel:		
In state	1,800	
Out of state	600	
Equipment	700	
Other expenditures:		
Oasi, retirement and insurance	2,950	
	<hr/>	
Total	\$ 34,522	
Less estimated federal funds	34,522	
	<hr/>	
Net appropriation		0
Elementary and secondary education act —		
title I:		
Personal services:		
Permanent	\$ 61,209	

Other	2,900	
Current expenses	11,076	
Travel:		
In state	4,000	
Out of state	1,900	
Equipment	115	
Other expenditures:		
Employees' benefits	5,800	
State wide testing	60,000	
Conference and workshop	3,000	
Distribution to school districts	1,237,788	
School for handicapped children	98,304	
Delinquent children in institutes	37,584	
	<hr/>	
Total	\$1,523,676	
Less estimated federal funds	\$1,523,676	
	<hr/>	
Net appropriation		0
Elementary and secondary education act —		
title II		
Personal services:		
Permanent	\$ 15,489	
Other	1,000	
Current expenses	1,800	
Travel:		
In state	900	
Out of state	350	
Equipment	350	
Other expenditures:		
Employees' benefits	1,219	
Conference and curriculum studies	500	
Reimbursement to school districts	300,000	
	<hr/>	
Total	\$321,608	
Less estimated federal funds	\$321,608	
	<hr/>	
Net appropriation		0
Elementary and secondary education act —		
title III		
Personal services:		
Permanent	\$ 14,503	
Current expenses	1,800	
Travel:		
In state	900	
Out of state	350	
Equipment	675	
Other expenditures:		
Employees' benefits	1,300	
Curriculum studies and conferences	130,472	
Support of local projects	200,000	
	<hr/>	

Total	\$350,000	
Less estimated federal funds	350,000	
	<hr/>	
Net appropriation		0
Adult basic education:		
Personal services:		
Permanent	\$ 15,865	
Current expenses	2,700	
Travel:		
In state	700	
Out of state	350	
Other expenditures:		
Special projects	1,000	
Consultants — in service training	1,000	
Employees' benefits	1,000	
Conference and curriculum studies	2,000	
Grants to local centers	86,000	
Pre-service workshop	2,000	
	<hr/>	
Total	\$112,615	
Less estimated federal funds	101,353	
	<hr/>	
Net appropriation		11,262
Elementary and secondary education act —		
title V:		
Personal services:		
Permanent	152,561	
Other	4,000	
Current expenses	18,700	
Travel:		
In state	6,900	
Out of state	3,400	
Equipment	500	
Other expenditures:		
Employees' benefits	13,261	
Conference and workshops	4,000	
	<hr/>	
Total	203,322	
Less estimated federal funds	203,322	
	<hr/>	
Net appropriation		0
Elementary and secondary education act —		
title VI:		
Personal services:		
Permanent	\$ 13,708	
Other	5,000	
Current expenses	3,405	
Travel:		
In state	900	
Out of state	350	

Other expenditures:		
Employees' benefits	1,399	
Aid to school districts and projects	75,238	
	<hr/>	
Total	\$100,000	
Less estimated federal funds	100,000	
	<hr/>	
Net appropriation		0
New Hampshire technical institute — Concord:		
Salary of director	\$ 14,040	
Other personal services:		
Permanent	497,294	
Other	58,000	
Current expenses	245,000	
Travel:		
In state	1,500	
Out of state	1,800	
Equipment	2,000	
Other expenditures:		
Grants to students	12,000	
Federal grants	18,000	
	<hr/>	
Total	\$849,634	
Less estimated revenue:		
Tuition	97,500	
Room and board	65,000	
Cafeteria	10,000	
Textbooks and supplies	45,000	
Evening school and summer session	29,000	
Miscellaneous	3,000	
Work study — federal	8,300	
Federal grants	18,000	
	<hr/>	
Net appropriation		573,834
New Hampshire vocational institute — Berlin:		
Personal services:		
Permanent	\$194,080	
Other	10,000	
Current expenses	64,000	
Travel:		
In state	900	
Out of state	250	
Equipment	13,000	
	<hr/>	
Total	\$282,230	
Less estimated revenue:		
Tuition	56,000	
Cafeteria	13,000	
Evening school	5,000	
Textbooks and supplies	15,000	
	<hr/>	

Net appropriation		193,230
New Hampshire vocational institute — Claremont:		
Personal services:		
Permanent	\$230,735	
Other	9,000	
Current expenses	48,406	
Travel:		
In state	1,500	
Out of state	250	
Equipment	100	
Total	<hr/> \$289,991	
Less estimated revenue:		
Tuition	50,000	
Textbooks and supplies	12,000	
Evening school	5,000	
Federal funds	17,000	
Total	<hr/>	
Net appropriation		205,991
New Hampshire vocational institute — Laconia:		
Personal services:		
Permanent	\$215,207	
Other	10,000	
Current expenses	50,000	
Travel:		
In state	600	
Out of state	250	
Total	<hr/> \$276,057	
Less estimated revenue:		
Tuition	42,500	
Textbooks and supplies	12,500	
Evening school	5,000	
Total	<hr/>	
Net appropriation		216,057
New Hampshire vocational institute — Manchester:		
Personal services:		
Permanent	\$252,438	
Other	12,300	
Current expenses	84,000	
Travel:		
In state	700	
Out of state	250	
Equipment	8,000	
Total	<hr/> \$357,688	
Less estimated revenue:		
Tuition	86,000	
Cafeteria	19,000	
Textbooks and supplies — day school	15,800	

Textbooks and supplies — evening school	1,700	
Evening school	7,500	
	<hr/>	
Net appropriation		227,688
New Hampshire vocational institute — Nashua:		
Personal services:		
Permanent	\$119,894	
Other	10,000	
Current expenses	48,000	
Travel:		
In state	600	
Out of state	250	
Other expenditures:		
Grants to students	2,000	
	<hr/>	
Total	\$180,744	
Less estimated revenue:		
Tuition	28,000	
Textbooks and supplies	8,000	
Evening school	3,750	
	<hr/>	
Net appropriation		140,994
New Hampshire vocational institute — Portsmouth:		
Personal services:		
Permanent	\$220,206	
Other	14,000	
Current expenses	53,000	
Travel:		
In state	800	
Out of state	250	
Equipment	3,500	
	<hr/>	
Total	\$291,756	
Less estimated revenue:		
Tuition	56,000	
Textbooks and supplies	8,000	
Cafeteria	8,500	
Evening school	6,000	
Federal funds	17,000	
	<hr/>	
Net appropriation		196,256
		<hr/>
Special equipment appropriation:		
Other expenditures*		25,000
		<hr/>
Total		\$12,437,933

*To be expended for additional staff or equipment at the vocational-technical institutes and shall not be transferred or expended for any other purpose, nor shall any part of this appropriation be expended for secretarial course equipment.

Less estimated revenue:	
Literary fund	14,000
Net appropriation for board of education	<u>\$12,423,933</u>

Note: In addition to the above appropriations, the vocational and technical institutes shall receive for disbursement any actual excess over the estimates in the income of the vocational and technical institutes' bookstore, cafeteria, evening school, summer school and day tuition, provided, however, that said institutes may disburse any such category excess with the approval of the governor and council, only in connection with these services from which the excess arose, except for day tuition which shall be used in connection with current operating expenses.

For coordinating board of advanced education and accreditation:

Salary of executive secretary	\$ 7,000
Other personal services:	
Other	4,165
Current expenses	1,415
Travel:	
In state	500
Out of state	170
Total for coordinating board of advanced education and accreditation	<u>\$ 13,250</u>

For board of probation:

Salary of director	\$ 11,500
Other personal services:	
Permanent	313,199
Other	12,500
Current expenses	31,200
Travel:	
In state	17,000
Out of state	1,200
Equipment	3,840
Other expenditures:	
Rental costs for central office*	5,940
Total for board of probation	<u>\$396,379</u>

*This amount shall not be transferred or expended for any other purpose.

Note: Other provisions of law notwithstanding 5% of all monthly collections by the board of probation shall be forwarded by the tenth of the following month for deposit as general fund unrestricted revenue.

For real estate commission:

Salary of director	\$ 9,405
Other personal services:	
Permanent	9,275
Other	2,000

Current expenses	11,050	
Travel:		
In state	900	
Out of state	500	
Equipment	500	
Total for real estate commission		\$ 33,630
For water resources board:		
Salary of chairman	\$ 13,000	
Other personal services:		
Permanent	91,550	
Other	1,700	
Current expenses	3,700	
Travel:		
In state	5,000	
Out of state	350	
Equipment	2,500	
Other expenditures:		
Survey of effect of highway salt on ground		
water resources†	4,000*	
Stream flow gauging	25,800*	
Connecticut river valley flood control		
commission:		
Per diem and expenses of commission	700	
State's contribution to commission	1,688	
Maintenance of dams†	15,000	
Survey and investigation re groundwater		
resources†	13,000*	
Improvements on small watersheds	2,500	
Merrimack river valley flood control		
commission:		
Per diem and expenses of commission	300	
State's contribution to commission	3,000	
Total	\$183,788	
Less transfer from:		
Public works and highways	10,000	
Pittsburg project	13,383	
Lakeport project	6,522	
Greenville water supply project	7,913	
Net appropriation for water resources		\$145,970
board		

†This appropriation shall not be transferred or expended for any other purpose.

*To be used only for matching purposes with federal funds.

Note: Notwithstanding any other statute or law to the contrary, the water resources board may not accept or receive any gift or grant of a dam,

with or without the approval of the governor and council. This note does not apply to Public law 566 projects.

For aeronautics commission:

Administration:

Salary of director	\$ 13,962	
Other personal services:		
Permanent	68,438	
Other	1,600	
Current expenses	6,510	
Travel:		
In state	2,700	
Out of state	2,250	
Equipment	440	
Total		\$ 95,900

Airways toll fund:

Other expenditures:

Establishment and maintenance of air navigation facilities on state airways system	16,000
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Aircraft operating fees:

Other expenditures — as provided by 1961:261	13,500
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Aircraft rental and/or operation:

Other expenditures	5,000
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Total for aeronautics commission

\$130,400

Commission on the arts:

Personal services:

Other	\$ 20,000
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Current expenses	9,000
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Equipment	500
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Travel:

In state	2,000
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Out of state	1,500
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Other expenditures:

Grants and project funds for support of arts activities throughout the state	82,000
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Total	\$115,000
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Less community and private contributions	55,000
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Less estimated federal funds	50,000
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Net appropriation

\$ 10,000*

*State fund expenditures shall not exceed \$10,000.

For bank commissioner:

Administration:

Salary of bank commissioner	\$ 15,840
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Salary of deputy bank commissioner	14,280
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Salary of assistant bank commissioner	12,540
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Other personal services:	
Permanent	214,909
Other	2,000
Current expenses	27,597
Travel:	
In state	19,850
Out of state	2,300
Equipment	4,145
Other expenditures:	
Oasi and retirement	18,155
	<hr/>
Total*	\$331,616
Less reimbursements	331,616
	<hr/>

Net appropriations \$ 0

*Other provisions of law notwithstanding, total expenditures (including commissioner's salary) shall be assessed against the banking institutions.

Small loan and motor vehicle finance division:

Personal services:	
Permanent	\$ 23,099
Current expenses	2,200
Travel:	
In state	1,225
Out of state	200
Equipment	1,830
Other expenditures:	
Oasi and retirement	1,687
	<hr/>
Total	\$ 30,241
Less revenue*	30,241†
	<hr/>

Net appropriation \$ 0

Total for bank commissioner \$ 0

*Other provisions of law notwithstanding revenue received from small loan and motor vehicle finance division shall be deposited with the state treasurer as restricted revenue, and any excess over requirement to cover expenditures shall lapse to the unappropriated surplus of the general fund.

†Notwithstanding any law to the contrary, expenditures from this fund shall be subject to budgetary limitations.

For human rights:

 Other expenditures: \$ 4,000

For liquor commission:

Administration:

Salaries of three commissioners	\$ 41,000
Other personal services:	
Permanent	331,643
Other	2,000

Current expenses	27,650
Travel:	
In state	23,000
Out of state	2,900
Equipment	10,000
Other expenditures:	
Data processing rentals and programming†	75,298
Oasi and retirement	32,700
Special investigative work	500

Total administration \$ 546,691

†This appropriation shall not be transferred or expended for any other purpose, and any expenditures shall have prior approval of the director of department of centralized automated data processing.

Stores operation:

Personal services:	
Permanent	\$1,652,644
Other	280,000
Current expenses	722,338
Travel:	
In state	14,000
Equipment	155,170
Other expenditures:	
Oasi and retirement	150,547

Total stores operation \$2,974,699
Less revenue from sweepstakes sales 100,000

Net appropriation 2,874,699

Note: This appropriation provides for one additional liquor store.

Warehouse:

Personal services:	
Permanent	135,034
Other	19,000
Current expenses	47,360
Equipment	42,000
Other expenditures:	
Oasi and retirement	12,248
Public works maintenance	4,500

Total warehouse 260,142

Total for liquor commission \$3,681,532

Note 1: Working hours of individual store employees shall be so assigned as to most effectively, efficiently and economically provide for adequate customer service requirements in each store within the limits of funds appropriated herein.

Note 2: The liquor commission shall arrive at the individual store gross profit based on the actual cost of liquor sold in each store.

For public utilities commission:

Office of the commission:

Salaries of three commissioners \$ 40,456

Other personal services:

Permanent 138,855

Other 5,000

Current expenses 40,000

Travel:

In state 4,000

Out of state 3,000

Equipment 1,000

Other expenditures:

Oasi and retirement 10,353

Total	<u>\$242,664</u>
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Less reimbursements*	<u>242,664</u>
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Net appropriation

0

*Other provisions of law notwithstanding, total expenditures of the office of commission shall be assessed against the utilities.

Property carriers:

Personal services:

Permanent \$ 36,909

Other 1,773

Current expenses 8,500

Travel:

In state 3,500

Out of state 500

Equipment 90

Other expenditures:

Oasi and retirement 3,118

Total	<u>\$ 54,390</u>
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Less revenue*	<u>54,390</u>
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Net appropriation

0

Total for public utilities commission

<u>\$</u>	<u>0</u>
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*Other provisions of law notwithstanding, revenue received from property carriers division shall be deposited with the state treasurer as restricted revenue, and any excess over requirement to cover expenditures shall lapse to the unappropriated surplus of the general fund.

For racing commission:

Thoroughbred racing:

Salaries of three commissioners \$ 9,346

Other personal services:

Permanent 29,266

Other* 38,229

Current expenses 7,000

Travel:		
In state	2,000	
Out of state	2,250	
Equipment	350	
	<hr/>	
Total	\$ 88,441	
Less reimbursement	5,846	
	<hr/>	
Net appropriation		\$ 82,595
Harness racing:		
Personal services:		
Permanent	\$ 24,122	
Other*	123,255	
Current expenses	3,500	
Travel:		
In state	11,334	
Out of state	750	
Equipment	475	
	<hr/>	
Total	\$163,436	
Less reimbursement	16,289	
	<hr/>	
Net appropriation		\$147,147
		<hr/>
Total for racing commission		\$229,742
		<hr/>

*Such portion of this amount as constitutes the compensation of the official state steward or associate judge of the state racing commission, shall be reimbursed to the state by the person, association, or corporation conducting the race or meet and such reimbursement shall include the employer's share of oasi taxes.

For sweepstakes commission:

Salary of commission chairman	\$ 4,680
Salaries of two commissioners	4,992
Salary of executive director	20,800
Other personal services:	
Permanent	128,000
Other	25,000
Current expenses	78,000
Travel:	
In state	18,500
Out of state	1,500
Equipment	2,000
Other expenditures:	
Oasi and retirement	16,000
Net track expenses	18,000
Liquor commission*	100,000
	<hr/>
Total	\$417,472
Less transfers from revenue account†	417,472
	<hr/>

Net appropriation for sweepstakes
commission

\$ 0

*This appropriation shall not be transferred or expended for any other purpose. The liquor commission shall be reimbursed monthly for services rendered, at the rate of 8 1/3% of the income received from sale of sweepstakes tickets in liquor stores.

†Transfers shall be made from the revenue account of the sweepstakes commission to cover actual expenditures from appropriated funds.

Note 1: Subsidiary records shall be maintained by the sweepstakes commission which shall reflect proceeds and expenditures applicable to each sweepstakes year. The resulting net balance remaining from each year shall be paid out to the school districts of the state as provided by RSA 284:21-j.

Note 2: No funds of the sweepstakes commission shall be expended for legal services.

For tax commission:

Office of commission:

Salaries of two commissioners \$ 27,301

Salary of secretary 16,300

Other personal services:

Permanent 235,233

Other* 90,000

Current expenses 18,500

Travel:

In state 40,000

Out of state 1,200

Equipment 11,485

Total \$440,019

*Expenditures from this appropriation for appraisal of utilities shall not exceed \$3,000.

Meals and rooms:

Personal services:

Permanent \$ 77,362

Other 3,000

Current expenses 10,500

Travel:

In state 9,500

Out of state 150

Equipment 1,700

Other expenditures:

Oasi, retirement, blue cross and insurance 7,286

Total \$109,498

Less transfer from revenue account 109,498

Net appropriation

0

Municipal accounting:

Personal services:

Permanent \$111,250

Other 2,500

Current expenses	2,700	
Travel:		
In state	7,850	
Out of state	300	
	<hr/>	
Total		\$124,600
Intangible tax:		
Personal services:		
Permanent	\$ 37,749	
Other	400	
Current expenses	5,300	
Travel:		
In state	150	
Out of state	50	
Other expenditures:		
Oasi and retirement	3,100	
Blue cross and insurance	282	
	<hr/>	
Total		47,031
Inheritance tax:		
Personal services:		
Permanent	\$ 49,410	
Other*	25,000	
Current expenses	8,125	
Travel:		
In state	300	
Out of state	150	
Equipment	450	
	<hr/>	
Total		83,435
*This appropriation is for the registers of probate and shall not be transferred or expended for any other purpose.		
Tobacco products tax:		
Personal services:		
Permanent	\$ 49,153	
Other	250	
Current expenses	2,900	
Travel:		
In state	4,900	
Out of state	800	
Equipment	1,800	
	<hr/>	
Total		59,803
Boat tax:		
Personal services:		
Other	\$ 2,500	
Other expenditures	3,500	
	<hr/>	
Total	\$ 6,000	
Less estimated revenue	6,000	
	<hr/>	

Net appropriation	0
Other expenditures:	
Flood control*	81,000
Forest conservation aid	35,000
Special aid for heavily timbered towns	20,500
	<hr/>
Total for tax commission	\$891,388
	<hr/> <hr/>

*This appropriation shall not be transferred or expended for any other purpose.

Note: Cost records shall be maintained of all actual costs applicable to services performed for local communities by the tax commission relative to audits and appraisals. Said actual costs shall be billed to local communities on a monthly basis prior to the tenth day of the succeeding month.

Note: The position of assistant director authorized for intangible tax division may be assigned interdepartmentally as the tax commissioners direct.

For water pollution commission:

Office of commission:

Salary of deputy executive director and chief engineer	\$ 15,880
Salary of director of municipal services	12,200
Salary of chief aquatic biologist	12,380
Salary of pesticide surveillance scientist	12,540
Other personal services:	
Permanent	268,671
Other	3,000
Current expenses	16,465
Travel:	
In state	18,000
Out of state	1,100
Equipment	450

Total

\$360,686

New England interstate water pollution commission:

Personal services:

Other	\$ 900
Current expenses	2,870
Travel:	
Out of state	800

Total

4,570

State aid grants*

1,717,362

*The sum hereby appropriated shall not lapse, but shall be added to the appropriation of the commission in any succeeding fiscal year, to be used for the purpose herein contained.

Sanitary engineering:

Salary of executive director	\$ 18,800
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Other personal services:		
Permanent	89,251	
Other	6,000	
Current expenses	9,000	
Travel:		
In state	6,500	
Out of state	400	
	<hr/>	
Total		129,951
Federal funds:		
Personal services:		
Permanent	\$ 25,642	
Other	7,350	
Current expenses*	9,108	
Travel:		
In state	8,000	
Out of state	1,000	
Equipment	6,500	
Other expenditures:		
Oasi and retirement	2,250	
Blue cross and insurance	150	
	<hr/>	
Total	\$ 60,000	
Less estimated federal funds	60,000	
	<hr/>	
Net appropriation		0
		<hr/>
Total for water pollution commission		\$2,212,569
		<hr/>

*This appropriation includes \$500 for insurance. This sum is to be available to cover the costs of premiums required for complete marine insurance to meet the unusual hazards which develop in off shore estuarine water quality control work.

For centralized automated data processing:	
Salary of director	\$ 22,660
Salary of deputy director	19,500
Salary of manager of information systems	
Programming	18,300
Salary of manager of computer operations	14,166
Other personal services:	
Permanent	406,001
Other	40,000
Current expenses	182,550
Travel:	
In state	1,800
Out of state	4,750
Equipment	35,000
Other expenditures:	
Commission expenses	5,900
	<hr/>

Total for centralized automated data processing		\$750,627
For civil defense:		
Administration:		
Personal services:		
Permanent	\$ 71,524	
Current expenses	9,500	
Travel:		
In state	25	
Out of state	250	
Equipment	2,460	
Other expenditures†	1,000	
		<hr/>
Total		\$ 84,759
†\$950 of this amount is appropriated for the fire school at Gilford and shall not be transferred or expended for any other purpose.		
Field staff:		
Travel:		
In state	\$ 2,500	
Out of state	250	
		<hr/>
Total		2,750
		<hr/>
Total for civil defense*		\$ 87,509
Less estimated federal reimbursement*		44,360
		<hr/>
Net appropriation for civil defense		\$ 43,149
		<hr/>

*This amount available for expenditures only if federal grants are available. Any funds in excess of the estimated federal grants shall be available for such further expenditure as the governor and council shall approve. Any curtailment of civil defense activities caused by a decrease in federal grants will be implemented by a proportionate decrease in all classes of expenditure as recommended by the civil defense director and approved by the governor and council, including any permanent personal services formerly covered by federal funds.

For civil air patrol:	
Other expenditures	\$15,000

For New Hampshire state port authority:

Personal services:	
Permanent	\$ 16,800
Other*	4,000†
Current expenses	4,000†
Travel:	
In state	1,500
Out of state	1,000
Other expenditures:	
Reimbursement of harbor masters	2,000†

Navigational aids	1,000†
	<hr/>
Total for New Hampshire state port authority	\$ 30,300
	<hr/> <hr/>

*This appropriation is for harbor masters.

†These appropriations are not to be transferred or expended for any other purpose.

For N.H. committee for the older

Americans act:

Personal services:

Permanent \$ 31,426

Other 1,000

Current expenses 7,910

Travel:

In state 3,000

Out of state 3,500

Equipment 1,076

Other expenditures:

Fringe benefits 2,884

Projects 165,400

Total \$216,196

Less estimated federal funds 190,400

Net appropriation for the N.H. committee
for the older Americans act. \$ 25,796

For public works division of department of
public works and highways:

Personal services:

Permanent \$131,491

Other 30,000

Current expenses 17,600

Travel:

In state 7,500

Out of state 285

Equipment 4,000

Other expenditures:

Administrative costs to department of
public works and highways 5,000

Total \$195,876

Less estimated credits 6,000

Net appropriation for public works
division of department of public
works and highways \$189,876

Total for executive branch \$69,844,951

Total net appropriation for the
fiscal year ending June 30, 1971
as included in sections 2, 3 and 4.

\$71,810,432

368:5 Estimated federal funds. If under any appropriation in section 4 the federal grant received is less than estimated, the total appropriation shall be reduced by the amount of reduction in federal estimates and the applicable state matching funds.

368:6 Salary adjustments. Upon request of the appointing authority, the governor and council is hereby authorized and empowered, notwithstanding any other provision of law to the contrary, upon a finding by them that it is in the best interests of the state and is necessary in order to recruit and/or retain qualified personnel to increase the salaries of any of the following listed and identified positions, and all such increases granted shall be a charge against the salary adjustment fund: assistant superintendent New Hampshire hospital, directors of clinical services, director of clinical and surgical services, director of division of mental health, director of division of public health services, director of outpatient services, director of psychiatric education and research, senior psychiatrists, superintendent New Hampshire hospital, and superintendent of state sanatorium; all classified positions that, in the best interests of the state, require they be filled by a person certified or eligible to be certified by the American Board of Neurology and Psychiatry or by a diplomate or person eligible to be a diplomate of the American Psychological Association or by a person registered and licensed or eligible to be registered and licensed to practice medicine in this state or by a person licensed or eligible for licensure to practice dentistry in this state. In the event the authority hereby granted is exercised to increase the salary for any such classified position in order to recruit or retain personnel, the salary of all classified personnel in the same classification shall be increased pursuant to this section to the same amount. Notwithstanding any other provisions of law to the contrary, no classified employee of the state shall be paid a higher salary than the highest salary range provided for by RSA 99, as amended, except as provided for by this section.

368:7 Room assignment. Other provisions of law notwithstanding, all rooms on the third floor of the state house shall be assigned for use by the President of the Senate and the Speaker of the House.

368:8 Sweepstakes commission funds. Notwithstanding any provision of law to the contrary, in order to allow the sweepstakes commission to efficiently handle its funds, the commission shall deposit all funds received by it in commercial banks. The commission may maintain a balance of \$20,000 in one of said accounts and \$10,000 in all others. All funds in said accounts in excess of said balances shall be transferred weekly to a special sweepstakes bank account in which there shall be maintained a minimum balance of \$100,000, as soon as said amount is available from current sales of tickets. All sums in excess of said minimum of \$100,000 in said special account shall be remitted weekly to the state treasurer for credit to the sweepstakes special fund. Provided however, that on or before December 15 of each year all minimum balances shall be paid into the state treasurer.

368:9 Revenue. Other provisions of law notwithstanding revenue of

the following agencies shall be deposited with the state treasurer as unrestricted revenue: board of accountancy, board of registration for architects, athletic commission, barbers board, cancer commission, board of chiropractic examiners, dental board, board of professional engineers, board of registration of funeral directors and embalmers, board of hairdressers, board of registration in medicine, board of registration in optometry, pharmacy commission, board of registration in podiatry and board of psychologists.

368:10 Data Processing. Other provisions of law notwithstanding any rentals, purchases, programming costs, inter-departmental agreements or consulting fees relative to data processing to be charged against appropriations made in section 4 shall have prior approval of the director of the centralized data processing department. Such approval shall prevent duplication and proliferation of data processing equipment to assure the maximum usage of such equipment.

368:11 Takes effect. This act shall take effect July 1, 1970.

[Approved July 1, 1969.]

[Effective date July 1, 1970.]

CHAPTER 369.

AN ACT PERMITTING JAMES G. SMALL TO BECOME A MEMBER OF THE
NEW HAMPSHIRE RETIREMENT SYSTEM.

Be it Enacted by the Senate and House of Representatives in General Court convened:

369:1 Admission to Retirement System. Notwithstanding the provisions of RSA 103:4, as amended by 1957, 50:1 and 1967, 134:15, James G. Small is hereby authorized to become a member of the New Hampshire Retirement System, Group II Membership upon the payment of all necessary contributions by him and by the City of Keene covering his past years of service.

369:2 Effective Date. This act shall take effect upon its passage.

[Approved July 2, 1969.]

[Effective date July 2, 1969.]

CHAPTER 370.

AN ACT PROVIDING FOR VETERANS OF THE VIET NAM CONFLICT THE SAME BENEFITS
ACCORDED OTHER VETERANS RELATIVE TO PUBLIC EMPLOYMENT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

370:1 Viet Nam Veterans Included. Amend RSA 283:8 by striking out said section and inserting in place thereof the following:

283:8 Terms Defined. For the purposes of this chapter:

I. The term "armed forces" shall include members of the army, navy, marine corps, coast guard and any women's auxiliary to such forces, the members of which are under and subject to military law.

II. The terms "in time of war" and "during any war" shall include all the terms used in RSA 72:28 (III).

370:2 Effective Date. This act shall take effect upon passage.

[Approved July 2, 1969.]

[Effective date July 2, 1969.]

CHAPTER 371.

AN ACT TO PERMIT CONVERSIONS BETWEEN COOPERATIVE BANKS, SAVINGS AND LOAN ASSOCIATIONS AND MUTUAL SAVINGS BANKS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

371:1 New Chapter. Amend RSA by inserting after chapter 389 the following new chapter:

Chapter 389-A

Conversion Between Mutual Savings Banks, Cooperative Banks, Building and Loan Associations and Savings and Loan Associations

389-A:1 Procedure for Conversion. A mutual savings bank may convert into a building and loan association or cooperative bank and a building and loan association or cooperative bank may convert into a mutual savings bank as provided in this subdivision. The converting institution shall be granted a new certificate of incorporation, in amendment of its pre-existing charter or certificate of incorporation, if the bank commissioner finds that the converting institution meets the standards (or their substantial equivalent) as to capital structure and business experience of management, prescribed for the incorporation of a mutual savings bank or a building and loan association, as the case may be. No such conversion shall be approved unless it has first been ratified by the affirmative vote of a majority of the votes cast at an annual or special meeting of the members or shareholders with voting rights in the converting institution called to consider such action and unless the converting institution has first notified by mail all its depositors or shareholders without voting rights of the proposed conversion.

389-A:2 Application for Certificate. The converting institution may apply for such certificate of incorporation by filing with the bank commissioner an application signed under oath by its president and by a majority of its entire board of trustees or directors, setting forth:

I. The corporate action taken in compliance with the provisions of section 1 above.

II. The proposed articles of agreement and bylaws, approved by the members or shareholders, for the government of the institution after conversion.

III. Its proposed capital fund structure, as converted.

IV. A detailed statement of the experience of its management.

389-A:3 Approval of Application. The bank commissioner, upon being satisfied that the application conforms to law, shall endorse his approval thereon, and thereupon said application shall be filed in the office of the secretary of state, who, upon payment of a fee equal to one-twentieth of one per cent of the capital funds of the institution as converted, however, not less than one hundred dollars nor more than five hundred dollars in any case, shall cause the same, with the approval endorsed thereon, to be recorded and shall issue a certificate of incorporation as prescribed in RSA 386-A or RSA 393, as the case may be. Such certificate shall be deemed an amendment to the pre-existing charter or articles of agreement of the converting institution and its corporate existence shall not thereby be interrupted. The bank commissioner may require the converting institution to change its investment portfolio to conform to the laws regulating the investments of the institution as converted.

389-A:4 Assent. Any depositor or shareholder of the institution to be converted, who, on or before the effective date of the conversion shall not withdraw the amount deposited to his credit or share shall be deemed to have assented to the conversion and shall be entitled to a deposit or shares of a like amount without interruption of interest in the converted institution.

389-A:5 Conversion to and from Federal Charter.

I. A mutual savings bank may convert itself into a federal savings and loan association in accordance with the procedure prescribed for conversion of building and loan associations into federal savings and loan associations in RSA 393:46-48, inclusive, and for this purpose shall have all the rights, powers and privileges of a converting building and loan association under these sections. Upon the grant of a federal charter, the institution receiving the same shall cease to be a mutual savings bank incorporated by state law and shall no longer be subject to state supervision and control.

II. Any federal savings and loan association doing business in this state may convert itself into a mutual savings bank created under the laws of this state, in accordance with the procedure prescribed for conversion of federal savings and loan associations into building and loan associations in RSA 393:50-54, inclusive, and for this purpose shall have all the rights, powers and privileges granted to converting federal savings and loan associations under these sections; provided however, that the form of the articles of agreement required by RSA 393:51 shall conform to the provisions of RSA 386-A insofar as applicable; that the provisions of RSA 386-A and all other general laws relating to savings banks shall apply to the converted institutions; and that the bank commissioner may provide, by regulation, for the procedure to be followed by any such converting institution.

371:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 372.

AN ACT RELATIVE TO FORM OF OATHS FOR PUBLIC OFFICERS AND TEACHERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

372:1 Public Officers. Amend RSA 92:2 by striking out the same and inserting in place thereof the following: **92:2 Oath Required.** No person chosen or appointed to any public office or to any position where an oath is required, under any law, shall exercise such office or position or perform any act therein until he shall make and subscribe the oath or declaration as prescribed by part 2, article 84 of the constitution of New Hampshire, and any such person who violates said oath after taking the same shall be forthwith dismissed from the office or position involved.

372:2 Certification and Recording. Amend RSA 92:6 by striking out the same and inserting in place thereof the following: **92:6 Certification and Recording.** Official oaths shall be certified by the person administering the same and returned forthwith to the recording officer of the body making the election or appointment.

372:3 Civil Defense Personnel. Amend RSA 107:17 by striking out the same and inserting in place thereof the following: **107:17 Oath Required.** No person shall be employed or associated in any capacity in any civil defense organization established hereunder until he shall make and subscribe the oath or declaration as prescribed by part 2, article 84 of the constitution of New Hampshire, and any such person who violates said oath after taking the same shall be forthwith dismissed from the office or position involved. For the purpose of administering the oath or declaration hereunder the state director of civil defense and such local and state civil defense officials as may be designated by him in writing are authorized to administer said oath in this state.

372:4 Town Officers. Amend RSA 42:1 by striking out the same and inserting in place thereof the following: **42:1 Oath Required.** Every town officer shall make and subscribe the oath or declaration as prescribed by part 2, article 84 of the constitution of New Hampshire and any such person who violates said oath after taking the same shall be forthwith dismissed from the office involved.

372:5 Town Officers. Amend RSA 42:2 by striking out the same and inserting in place thereof the following: **42:2 Before Whom.** The moderator, town clerk, one of the selectmen or a justice of the peace are authorized to administer the oath required by this chapter.

372:6 Teachers. Amend RSA 191:2 by striking out the same and inserting in place thereof the following: **191:2 Oath Required.** No person shall

be employed or associated in any capacity, directly or indirectly, in teaching in public or state approved schools or in any state institution until he shall make and subscribe the oath or declaration as prescribed by part 2, article 84 of the constitution of New Hampshire, and any such person who violates said oath after taking the same shall be forthwith dismissed from the office or position involved.

372:7 Certification and Recording. Amend RSA 191:3 by striking out the same and inserting in place thereof the following: **191:3 Certification and Recording.** Oaths required by this chapter shall be certified by the persons administering the same and returned forthwith to the recording officer of the body making the election or appointment.

372:8 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969]

CHAPTER 373.

AN ACT TO PREVENT THE ATTACHMENT OF THE WAGES OF THE WIFE WHOSE
HUSBAND WAS INDEBTED FOR A SMALL LOAN.

Be it Enacted by the Senate and House of Representatives in General Court convened:

373:1 Wages Exempt. Amend RSA 512:21, X, as inserted by 1961, 245:4, by inserting in line four after the word "is" the following (or was at any time) so that said paragraph as amended shall read as follows: X. Wages of the defendant earned before service of the writ upon the trustee if the defendant is a married woman and the action is founded upon any loan contract subject to the provisions of RSA 399-A on which her husband is or was at any time an obligor, jointly or severally, contingently or otherwise.

373:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 374.

AN ACT ALLOWING CERTAIN PERSONS TO HANDLE LIQUOR AND BEVERAGES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

374:1 Suspension or Revocation of License or Permit. Amend RSA 178 by inserting after section 11 the following new section: **178:11-a — Exception.** Notwithstanding the provisions of section 11, the commission may in its discretion approve the employment of any person who has been con-

victed of a felony in this state, provided, that not less than six months shall have passed since said person was placed on parole or probation and that during this interim period he shall have led an exemplary life and not have been convicted of any further crime except for minor traffic violations. Said approval shall allow for the employment of such person in the sale and distribution of liquor and beverages, and the commission shall periodically review the status of said person in respect to the continuance of his good behavior and may in its discretion revoke the approval for employment granted hereunder.

374:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 375.

AN ACT RELATIVE TO THE AUTHORITY OF THE SUPERIOR COURT PURSUANT TO A PETITION FOR ANNULMENT OF A MARRIAGE CONCERNING A MINOR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

375:1 Added Authority for the Superior Court. Amend RSA 457 by inserting after section 5 the following new section: **457:5-a Petition for Annulment; Orders by Court.** In the event a petition for annulment is filed by the parent or guardian of a minor, as provided in section 5, the superior court is hereby authorized to make such orders as in the discretion of the court will protect the interest of the minor child, including but not limited to orders directing the minor child to return to its parents or guardian and such orders may be issued ex parte. The party against whom the orders are issued may file a written request with the clerk of the superior court and request a hearing thereon. Such a hearing shall be held no later than five days after the request is received by the clerk. The request shall be filed with the clerk of court for the county in which the petition of annulment is filed.

375:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 376.

AN ACT TO AID MUNICIPALITIES FOR WATER POLLUTION CONTROL BY STATE CONTRIBUTION FOR COSTS PRIOR TO RECEIPT OF FEDERAL FUNDS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

376:1 Prefinancing of Federal Grant. When, for lack of adequate federal funds at the time of acquisition and construction of sewage and/or waste disposal facilities by any municipality, hereby defined as county, city, town or village district, the state of New Hampshire, in addition to contributions provided for under RSA 149-B, shall pay not in excess of fifty percent of the yearly amortization charges on the original costs resulting from the acquisition and construction of sewage and/or waste disposal facilities by it. The word "construction" and the term "original costs" shall have the same meaning for the purposes of this section as they have for the purposes of RSA 149-B. The purpose of the additional payment as established herein is to provide each municipality, in the absence of federal funds, with a maximum grant of ninety percent of the original costs involved in the construction of needed sewerage and/or sewage or waste treatment facilities.

376:2 Prefinancing of Secondary Treatment. The state of New Hampshire, in addition to contributions provided for under RSA 149-B, shall pay an additional fifty percent of the yearly amortization charges on the original costs resulting from the acquisition and construction of secondary treatment facilities in the cities of Concord, Lebanon, Manchester, and Nashua, and the town of Plymouth. The word "construction" and the term "original costs" shall have the same meaning for the purposes of this section as they have under the provisions of RSA 149-B. The purpose of the additional payment as established herein is to provide the cities of Concord, Lebanon, Manchester, and Nashua, and the town of Plymouth, in the absence of federal funds, a grant of ninety percent of the original costs involved in the construction of secondary treatment facilities.

376:3 Appropriation. There is hereby appropriated for the purposes of carrying out the provisions of section 1 of this act and to furnish aid provided for in RSA 149-B, for any municipality which shall acquire or construct sewage and/or waste disposal facilities, as authorized hereunder, the sum of seven hundred fifty-nine thousand dollars for the fiscal year ending June 30, 1970, and the sum of seven hundred forty thousand dollars for the fiscal year ending June 30, 1971. The sums hereby appropriated shall be administered by the water supply and pollution control commission and shall not lapse but shall be added to the appropriation of the commission for any succeeding fiscal year to be used for the purposes herein contained.

376:4 Bond Issue. For the purpose of providing funds for the appropriations made in section 3 hereof the state treasurer is hereby authorized, under the direction of the governor and council to borrow upon the credit of the state not exceeding the sum of one million, four hundred and ninety-nine thousand dollars, and to issue bonds and notes in the name and on behalf of the state of New Hampshire. Said bonds and notes shall be issued under terms, and conditions as provided by RSA 6-A, as inserted by 1967, 88:1.

376:5 Effective Date. This act shall take effect July 1, 1969.

[Approved July 2, 1969.]

[Effective date July 1, 1969.]

CHAPTER 377.

AN ACT RELATIVE TO ACQUISITION OF EASEMENTS AND LANDS AS REQUIRED FOR
WATER POLLUTION AND WATER CONTROL.

Be it Enacted by the Senate and House of Representatives in General Court convened:

377:1 Town Powers. Amend RSA 31 by inserting after section 92 the following new section:

31:92-a Water Pollution. Any town which shall have received an order by the water supply and pollution control commission under the provisions of RSA 147, 148, or 149 shall proceed forthwith to acquire whatever easements and lands as are necessary to comply with said order provided a majority of the voters vote in favor of said acquisition at any regular or special town meeting called for the purpose of taking action thereon, and may enter upon, for the purpose of survey leading to land description, any land within its limits. In so proceeding, the selectmen or other duly authorized agents shall institute any necessary land taking in accordance with the provisions of section 92 of this chapter and, anything contained in RSA 234 or in the statutes generally to the contrary notwithstanding, the decision of the selectmen of the town or towns in which such land or lands are situated shall not be vacated and any subsequent appeal or other action by the owner or owners shall be based solely on the amount of damages assessed, and the duly appointed agents of the town shall have full right of immediate entry for the purposes of detailed surveys, borings, or the conduct of any and all other actions necessary or desirable to aid the town in implementation of the order by said commission.

377:2 Municipalities. Amend RSA 38 by inserting after section 14 (supp) as amended by 1963, 192:2 the following new section:

38:14-a Water Control. Any municipality which shall have received an order by the water supply and pollution control commission under the provisions of RSA 147, 148 or 149 shall proceed forthwith, after a majority vote in favor thereof, by the governing body, to acquire whatever easements and lands as are necessary to comply with said order and may enter upon, for the purpose of survey leading to land description, any land within the municipality. In so proceeding, the selectmen of the town, commissioners of the district, or mayor and aldermen of a city shall institute any necessary land taking in accordance with the provisions of sections 13 and 14 of this chapter and anything contained in RSA 234 or in the statutes generally to the contrary notwithstanding, the decision of the officials herein authorized to institute proceedings shall not be vacated and any subsequent appeal or other action by the owner or owners shall be based solely on the amount of damages assessed, and the duly authorized agents of the municipality shall have full right of immediate entry for the purposes of detailed surveys, borings, or the conduct of any and all other actions necessary or desirable to aid the municipality in the implementation of the order of said commission.

377:3 Village Districts. Amend RSA 52 by inserting after section 18 the following new section: **52:18-a Water Pollution.** Any district which shall have received an order by the water supply and pollution control com-

mission under the provisions of RSA 147, 148, or 149 shall proceed forthwith to acquire whatever easements and lands as are necessary to comply with said order provided that a majority of the voters vote in favor of said acquisition at any regular or special district meeting called for the purpose of taking action thereon and may enter upon, for the purpose of survey leading to land description, any land within the town or towns in which such district is situated. In so proceeding the district commissioners or other duly authorized agents shall institute any necessary land taking in accordance with the provisions of section 18 of this chapter and, anything contained in RSA 234 or in the statutes generally to the contrary notwithstanding, the decision of the commissioners of the town or towns in which such land or lands are situated shall not be vacated and any subsequent appeal or other action by the owner or owners, shall be based solely on the amount of damages assessed, and the duly appointed agents of the district shall have full right of immediate entry for the purposes of detailed surveys, borings, or the conduct of any and all other actions necessary or desirable to aid the district in implementation of the order by said commission.

377:4 Taking Land by City. Amend RSA 252 by inserting after section 5, as amended by 1967, 300:3 the following new section: **252:5-a Water Pollution.** Any city which shall have received an order by the water supply and pollution control commission under the provisions of RSA 147, 148, or 149 shall proceed forthwith to acquire whatever easements and lands as are necessary to comply with said order and may enter upon, for the purpose of survey leading to land description, any land of any person. In so proceeding the mayor and aldermen shall institute any necessary land taking in accordance with the provisions of section 5 of this chapter and, anything contained in RSA 234 or in the statutes generally to the contrary notwithstanding, the decision of the mayor and aldermen shall not be vacated and any subsequent appeal or other action by the owner or owners, shall be based solely on the amount of damages assessed, and the mayor and aldermen or their duly appointed agents shall have full right of immediate entry for the purposes of detailed surveys, borings, or the conduct of any and all other actions necessary or desirable to aid the city in the implementation of the order by said commission.

377:5 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 378.

AN ACT RELATIVE TO THE STATUTE OF LIMITATIONS ON PERSONAL ACTIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

378:1 Six Year Statute of Limitations. Amend RSA 508:4 by striking out said section and inserting in place thereof the following new section: **508:4 Personal Actions.** Except as otherwise provided by law all personal

actions may be brought within six years after the cause of action accrued, and not afterwards. This section shall not affect causes of action accrued prior to its effective date.

378:2 Repeal. RSA 225-A:26 II (supp) as inserted by 1965, 241:2 relative to the one year statute of limitation for a personal injury action by a skier against a passenger tramway operator is hereby repealed.

378:3 Effective Date. This act shall take effect upon its passage, provided however, that no cause of action upon which the statute of limitations has run shall be revived by passage of this act.

[Approved July 2, 1969.]

[Effective date July 2, 1969, provided however, that no cause of action upon which the statute of limitations has run shall be revived by passage of this act.]

CHAPTER 379.

AN ACT RELATIVE TO HOSPITAL LICENSING.

Be it Enacted by the Senate and House of Representatives in General Court convened:

379:1 Institutions Needing License. Amend RSA 151:2 as amended by 1959, 236:1 by striking out said section and inserting in place thereof the following: **151:2 Requirement for License.** No hospital or other institution, building, residence, private home, or other place or part thereof, however named, whether operated for profit or not, which is advertised, offered, maintained or operated by the ownership or management, whether for a consideration or not, for the express or implied purpose of providing diagnosis or treatment, or medical, nursing, obstetrical, or other remedial or personal care or supervision or sheltered services for persons who are suffering from illness, injury, deformity, infirmity, or other physical or mental handicap shall be established, conducted or maintained in this state without first obtaining a license therefor in the manner hereinafter provided. However, nothing herein shall be construed as requiring the licensing of facilities which are maintained and operated for the continuing care of one person; of facilities maintained and operated for the sole benefit of persons related to the owner or manager by blood or marriage within the third degree of consanguinity; of physicians' offices and related facilities, or of facilities which may be exempted by rules lawfully promulgated hereunder.

379:2 Definitions. Amend RSA 151 by inserting after section 2 the following new section: **151:2-a Definitions.** For the purposes of this chapter and the promulgation of rules and regulations thereunder the following words shall have the meanings ascribed to them in this section:

I. "Nursing Home" means any facility subject to license hereunder which is maintained and operated for the express purpose of providing continuing nursing care for more than ten persons.

II. "Rest Home" means any facility subject to license hereunder which is maintained and operated for the express purpose of providing residen-

tial and personal care or services under medical supervision. Incidental nursing or other remedial care, will be permitted under this classification.

III. "Sheltered Home" means any facility subject to license hereunder which is maintained and operated for the express purpose of providing residential services and supervision for handicapped persons.

379:3 Requirements for License. Amend RSA 151:4 as amended by 1961, 222:1 by striking out said section and inserting in place thereof the following:

151:4 Application for License.

I. Applicants for license shall file applications under oath with the department of health and welfare, division of public health services, upon forms prescribed and shall pay the license fee of ten dollars annually which shall be paid into the state treasury or refunded to the applicant if license is denied. Institutions operated by any unit or division of federal, state or local government shall not be required to pay the license fee.

II. Applications under this section shall be signed:

- (a) In a private institution, by the owner,
- (b) In an institution having a corporate formation, by two of its officers,
- (c) In an institution under a governmental unit, by the head of the governmental department having jurisdiction over it.

III. The division of public health services in the department of health and welfare shall require that applications set forth the:

- (a) Full name and address of the owner of the institution for which license is sought,
- (b) Name of the persons in control thereof,
- (c) Certification, where local licensing is required, that the facility conforms with applicable local rules, regulations and ordinances having to do with health and safety.

IV. The division of public health services in the department of health and welfare may require that applications set forth:

- (a) Affirmative evidence of ability to comply with such reasonable standards, rules and regulations as may be lawfully prescribed hereunder,
- (b) The submission of annual reports of expenses of operation and other information necessary to determine costs. Such reports shall be in accordance with forms and instructions issued by the division,
- (c) Any other additional information that the division of public health services may require.

379:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 380.

AN ACT RELATIVE TO A SCHOOL OF SOCIAL WORK, A COLLEGE OF LIFE SCIENCES AND AGRICULTURE AND A SCHOOL OF HEALTH STUDIES AT THE UNIVERSITY.

WHEREAS, New Hampshire is in need of a graduate school of social work to supply the state with trained workers; and

WHEREAS, There is a dearth of professionally trained social workers in all areas of social welfare, public and private; and

WHEREAS, A ratio of trained to untrained social workers across the state which includes all social worker personnel is a meager one to three proportion; now therefore

Be it Enacted by the Senate and House of Representatives in General Court convened:

380:1 University. Amend RSA 187:4 as amended by 1961, 46:1 by inserting in line two after the word "economics" the words (and may include a school of social work, a college of life sciences and agriculture, and a school of health studies) so that said section as amended shall read as follows: 187:4 — **Departments.** The university shall also include a college of technology, a college of liberal arts, a school of business and economics, and may include a school of social work, a college of life sciences and agriculture, and a school of health studies, and such schools, departments, and divisions, as are consistent with such organization, and such other colleges, schools, departments or divisions as the legislature may authorize.

380:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 381.

AN ACT TO ESTABLISH A VETERINARY DIAGNOSTIC LABORATORY, AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

381:1 Laboratory Established. Amend RSA 443 by inserting after section 95 the following new subdivision:

Veterinary Diagnostic Laboratory

443:96 Veterinary Diagnostic Laboratory. There is hereby established, in the agricultural experiment station at the university of New Hampshire, a veterinary diagnostic laboratory for the diagnosis and early detection of infectious and contagious diseases of domestic animals which advanced medical knowledge has shown to be important to human or animal health. The laboratory shall conduct procedures in bacteriology, virology, parasitology, serology and histological and clinical pathology and in such other

subjects as the commissioner of agriculture shall direct. The laboratory shall be operated by the agricultural experiment station. Any funds made available for the operation of said laboratory shall be expended under the supervision of the commissioner of agriculture.

381:2 Appropriation. For the operation of the veterinary diagnostic laboratory established under RSA 448:90 the sum of twenty-nine thousand dollars is appropriated for the fiscal year ending June 30, 1970 and annually thereafter. Such sums shall be in addition to other funds made available by the state for diagnostic services at the experiment station, and they shall be expended under the supervision of the commissioner of agriculture. The governor is hereby authorized to draw his warrant for said sums out of any moneys in the treasury not otherwise appropriated.

381:3 Appropriation for Construction. The sum of one hundred fifty thousand dollars is hereby appropriated for the construction and equipping of the veterinary diagnostic laboratory at the agricultural experiment station at the university of New Hampshire. Such sum shall be expended by said university, under the supervision of the commissioner of agriculture.

381:4 Bonds Authorized. To provide funds for the appropriation made in section 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of one hundred fifty thousand dollars, and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

381:5 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 382.

AN ACT RELATING TO REVOCATION OF POWERS OF ATTORNEY REGARDING BANK ACCOUNTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

382:1 Bank Accounts. Amend RSA 384 by inserting after section 38 the following new subdivision:

Powers of Attorney on Bank Accounts

384:39 Recognition and Termination. Any bank specified in RSA 384:29 doing business in this state may continue to recognize the power of an attorney-in-fact authorized in writing to make withdrawals either in whole or in part from the account of a depositor, whether minor or adult, until it receives written notice or is on actual notice of the revocation of his authority. For the purposes of this section, written notice of the death or adjudication of incompetency, or appointment of a guardian shall constitute written notice of revocation of the authority of his attorney. No such

bank shall be liable for damages, penalty or tax by reason of any payment made pursuant to this section.

382:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 383.

AN ACT RELATIVE TO COUNTY BONDS AND NOTES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

383:1 Restrictions Removed. Amend RSA 28:23 by striking out in lines three through seven the words "and to the following limitations: They shall be in denominations of two hundred dollars, five hundred dollars, or one thousand dollars, payable at a time not more than twenty years from date at a place named therein, with interest not exceeding six per cent per annum, and" and inserting in place thereof the following (Said bonds shall), by inserting in line seven after the word "commissioners" the following (and shall be) and by striking out in lines eight and nine the words "and registered by the clerk of court for the county" so that said section as amended shall read as follows: **28:23 Issue.** When so authorized by the county convention, the county commissioners may issue bonds of their county, to raise money for its uses, subject to the provisions of RSA chapter 33. Said bonds shall be signed by two at least of the commissioners, and shall be countersigned by the treasurer.

383:2 Method of Sale. Amend RSA 28:24 by striking out said section and inserting in place thereof the following: **28:24 Sale.** All county bonds and notes shall be sold (1) at public sealed bidding, (2) only after an advertisement calling for bids has been published at least once in each of two successive calendar weeks in a newspaper of general circulation in the state of New Hampshire, and (3) to the highest bidder. Provided, however, that the county commissioners may reject any and all bids and may negotiate for said sale upon terms which they may deem most advantageous to the county. Any bond sold under the provisions of this chapter shall not be sold for less than par.

383:3 Notes. Amend RSA 29:10 by striking out said section and inserting in place thereof the following: **29:10 Notes.** Notes issued by a county shall be signed by two at least of the commissioners and shall be countersigned by the treasurer.

383:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 384.

AN ACT GRANTING LIMITED POLICE POWERS TO SAFETY INSPECTORS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

384:1 Limited Police Powers. Amend RSA 106-A by inserting after section 4 the following new section:

106-A:4-a Safety Inspectors. The commissioner of safety is authorized to grant to safety inspectors within his department certain limited police powers as follows:

I. Power to serve criminal process;

II. Power to make arrests for violations of the provisions of the motor vehicle laws and regulations presently falling within the jurisdiction of safety inspectors.

384:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 385.

AN ACT RELATING TO COMMUNITY MENTAL HEALTH PROGRAMS AND
STATE AID THEREFOR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

385:1 Help for the Mentally Handicapped. Amend RSA 126-B:1 (supp) as inserted by 1965, 185:1 by striking out in line three the word "ill" and inserting in place thereof the word (handicapped) and by striking out in line four the words "clinics and mental health centers" and inserting in place thereof the words (mental health programs) so that the said section as amended shall read as follows: **126-B:1 Declaration of Purpose.** It is hereby declared to be the purpose of this chapter, as a means of increasing the effectiveness of the state program for the care and treatment of the mentally handicapped, to assist communities to establish and operate mental health programs in local communities.

385:2 Grants to Appropriate Agencies. Amend RSA 126-B:2 (supp) as inserted by 1965, 185:1 by striking out the section and inserting in place thereof the following new section: **126-B:2 State Grants.** The commissioner of health and welfare, within the funds appropriated or made available therefor, is hereby authorized to make grants to assist cities, counties, towns or nonprofit corporations in the establishment or operation of local mental health programs to provide the following services: (1) diagnostic and treatment services, (2) consultative services to schools, courts, health and welfare agencies, and other appropriate agencies or groups, (3) informational and educational services to the general public, and lay and professional groups, (4) collaborative and cooperative services with public health and other

groups for programs for prevention of mental illness, (5) psychiatric rehabilitative services.

385:3 Establishment of Mental Health Programs. Amend RSA 126-B:3 (supp) as inserted by 1965, 185:1 by striking out in lines three and four the words "and may establish clinics" and by striking out in line five the words "and clinics" so that the said section as amended shall read as follows: **126-B:3 Establishment of Programs by Municipality.** Any city, county, or town, upon consultation with the director of mental health, may establish a community mental health services program and staff same with persons specially trained in psychiatry and related fields. Such programs may be administered by a city, county or town and the municipality may appropriate funds therefor.

385:4 Plan Approved by Director. Amend RSA 126-B:6 (supp) as inserted by 1965, 185:1 by striking out in lines six, seven and eight the words "or the coordinator of community mental health services with the approval of the director" so that the said section as amended shall read as follows: **126-B:6 Application for Assistance.** Any city, county, town, or nonprofit corporation, administering a mental health services program may apply for the assistance provided by this chapter by submitting annually to the director of mental health its plans and budget for the next fiscal year. No program shall be eligible for a grant hereunder unless its plans and budget have been approved by the director of mental health.

385:5 Agencies to Receive Grants. Amend RSA 126-B:8 (supp) as inserted by 1965, 185:1 by striking out said section and inserting in place thereof the following new section: **126-B:8 Grants.** Grants for any program shall be made on a scale of two dollars for every one dollar raised locally. Grants may be made for expenditures for mental health services whether provided by operation of a local facility or through contract with other public or private agencies, including agencies in neighboring states where services could be more feasibly and economically provided to New Hampshire residents than through an existing or new program in New Hampshire. At the discretion of the commissioner of health and welfare with the recommendation of the director of mental health, provision may be made for those areas which are unable to meet the matching fund requirements stated above. As an incentive to communities lacking a mental health program to apply for assistance provided by this chapter, the commissioner shall make a grant not to exceed seventy-five hundred dollars to an applicant towards the expenses of its first year of operation of a mental health program without requiring the matching funds from the applicant and without regard to the restrictions on grants provided by this section, if the applicant otherwise meets the requirements set forth in this chapter. The amount of any grant in excess of seventy-five hundred dollars to an applicant towards the expenses of its first year of operation of a mental health program shall be made on a scale of three dollars for every one dollar raised locally. As an additional incentive in the second year of operation of a mental health program under this chapter, the grants shall be made on a scale of three dollars for every one dollar raised locally, and without regard to the restrictions on grants provided by this section. In all localities the fair rental value of physical facilities furnished by a local community shall be counted as part of the funds raised locally.

385:6 Fees Established by Director. Amend RSA 126-B:9 (supp) as inserted by 1965, 185:1 by striking out in lines one and two the words "The coordinator of community mental health services, with the approval of" so that said section as amended shall read as follows: **126-B:9 Uniform Fees.** The director of mental health shall establish a uniform schedule of fees, taking into account ability to pay, and all community mental health programs to which a grant is made pursuant to this chapter shall charge all recipients of their services the fees so established, provided that no one shall be excluded from receiving said services because of race, color, religion or inability to pay.

385:7 Typographical Errors. Amend RSA 126-B:10 (supp) as inserted by 1965, 185:1 by striking out in line thirteen the word "for" and inserting in place thereof the word (from) and by striking out in line sixteen the word "implant" and inserting in place thereof the word (implement) so that the said section as amended shall read as follows: **126-B:10 Board of Directors.** Every city, county, or town, or nonprofit corporation, establishing a community mental health services program shall, before it may come within the provisions of the chapter, establish a board of directors, the membership of which shall be as representative as possible of local health departments, medical societies, hospital boards, lay associations concerned with mental health as well as labor, business and civic groups and the general public. Each board of directors shall be responsible for the effective administration of its mental health programs and shall (a) review and evaluate community mental health services and report thereon to the director of mental health, and when indicated, the public, together with recommendations for additional services and facilities; (b) recruit and promote local financial support for the program from private sources such as community chests, business, industrial and private foundations, voluntary agencies and other lawful sources, and promote public support for municipal and county appropriations; (c) promote, arrange and implement working agreements with other social service agencies both public and private, and with other educational and judicial agencies; (d) review the annual plan and budget and make recommendations thereon.

385:8 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 386.

AN ACT TO PROTECT PATIENT'S CONFIDENTIAL COMMUNICATIONS TO
PHYSICIANS AND SURGEONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

386:1 Confidential Communications. Amend RSA 329 by inserting after section 25 the following new section: **329:26 Confidential Communications.** The confidential relations and communications between a physi-

cian or surgeon licensed under provisions of this chapter and his patient are placed on the same basis as those provided by law between attorney and client, and, except as otherwise provided by law, no such physician or surgeon shall be required to disclose such privileged communications.

386:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 387.

AN ACT TRANSFERRING JURISDICTION OVER EXCAVATING, DREDGING AND FILLING IN TIDAL WATERS FROM THE PORT AUTHORITY TO THE WATER RESOURCES BOARD AND MAKING TEMPORARY PROVISIONS FOR A SPECIAL BOARD TO DETERMINE MATTERS RELATING TO STATE RESOURCES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

387:1 Excavating and Dredging. Amend RSA 483-A:1, as inserted by 1967, 215:1, by striking out said section and inserting in place thereof the following: **483-A:1 Excavating and Dredging.** No person shall excavate, remove, fill or dredge any bank, flat, marsh, or swamp in and adjacent to any waters of the state without written notice of his intention to excavate, remove, fill or dredge to the water resources board. Said notice shall be sent by registered mail to the water resources board at least thirty days prior to such excavating, removing, filling or dredging with a detailed plan drawn to scale of the proposed project.

387:2 Hearing. Amend RSA 483-A:2, as inserted by 1967, 215:1 and amended by 1967, 147:14, by striking out in line one after the word "The" the words "New Hampshire Port Authority" and inserting in place thereof the following (water resources board) so that said section as amended shall read as follows: **483-A:2 Hearing.** The water resources board shall hold a public hearing on said proposal within thirty days of the receipt of said notice, and shall notify by mail the person intending to do such excavating, removing, filling or dredging, the department of public works and highways, the selectmen or the proper city official of the municipality involved, the office of planning and research, division of economic development or its successor, the water supply and pollution control commission and the New Hampshire fish and game department of the time and place of said hearing.

387:3 Powers of Water Resources Board. Amend RSA 483-A:3, as inserted by 1967, 215:1, by striking out said section and inserting in place thereof the following: **483-A:3 Powers of Water Resources Board.** The water resources board may deny the petition, or may require the installation of bulkheads, barriers, proper retention and/or containment structures to prevent subsequent fill runoff back into tidal water or other protective measures.

387:4 Rehearing. Amend RSA 483-A:4 by striking out in line two after the words "Before the" the words "New Hampshire Port Authority" and inserting in place thereof the following (water resources board) so that said section as amended shall read as follows: **483-A:4 Rehearing.** Any party to the action or proceedings before the water resources board may apply for a rehearing under the procedure as provided by RSA 541.

387:5 Transfer of Functions. The New Hampshire port authority shall transfer all its records compiled in connection with proceedings held under the provisions of RSA 483-A to the water resources board as soon as possible following the effective date of this act. It shall be the duty of the water resources board to supervise the litigation of all legal actions commenced by or against the New Hampshire port authority prior to the effective date of this act under the provisions of RSA 483-A. All proposals filed pursuant to the provisions of RSA 483-A:1 pending before the New Hampshire port authority on the effective date of this act shall be transferred to the water resources board for decision.

387:6 Special Board Established. There is hereby established a special board for the purpose of carrying out the provisions of law conferring upon the water resources board authority to decide matters relative to resources of the state, including but not limited to excavating, dredging and filling waters of the state. The special board shall be composed of the members of the water resources board and the following officials, or their respective designees, the director of fish and game marine biologist, biologist for fisheries, commissioner of safety, executive director of water supply and pollution control commission, chief aquatic biologist of the water supply and pollution control commission, the commissioner of highways, commissioner of resources and economic development, director of the division of parks, director of planning and research in the division of economic development. Said officials shall have voting rights as members of this special board. Provided, however, that nothing herein shall be construed as affecting other duties of the water resources board with reference to dams, water levels and administration of the department. The special board provided for in this section shall function from the passage of this act until July 1, 1971 only.

387:7 Effective Date. This act shall take effect upon its passage.

[Approved July 2, 1969.]

[Effective date July 2, 1969.]

CHAPTER 388.

AN ACT AUTHORIZING THE LIQUOR COMMISSION TO APPROVE SALE OF LIQUOR AND BEVERAGES ON CERTAIN HOLIDAYS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

388:1 Sale Allowed on Certain Holidays. Amend RSA 177 by inserting after section 2-a (supp) as inserted by 1969, 31:1, the following new section:

177:2-b Holiday Opening. The authority of the liquor commission to make rules and regulations relative to sale of liquor shall include the right to provide that state stores may be open for business on any legal holiday except January first, May thirtieth, July fourth, Labor day, Veterans day, Thanksgiving day whenever appointed and Christmas day provided that any employee working on said holidays shall be compensated for the loss of the holiday plus one and a half times his regular rate of pay for the actual number of hours worked.

388:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 389.

AN ACT ESTABLISHING A STATE COMMISSION ON THE STATUS OF WOMEN.

Be it Enacted by the Senate and House of Representatives in General Court convened:

389:1 Commission Established. There is hereby created a state commission on the status of women, hereinafter called the commission, consisting of ten members. The members of the commission shall be appointed by the governor for the following terms: The chairman shall serve for a term of three years, the vice-chairman for a term of three years, the recording secretary and the treasurer for terms of three years each. The original appointment of the remaining members of the commission shall be appointed so that two members shall be appointed for a term of one year, two members for a term of two years and two for a term of three years. The commission shall terminate on June 30, 1973.

389:2 Compensation. The members of the commission shall receive no compensation and shall not be entitled to reimbursement for expenses.

389:3 Officers. The governor shall designate the chairman, vice-chairman, secretary and treasurer of the commission.

389:4 Duties. The duties of the commission shall be as follows:

I. Stimulate and encourage throughout the state study and revise the statutes relative to women in this state.

II. Recommend methods of overcoming discrimination against women in public and private employment and civil and political rights.

III. Promote more effective methods for enabling women to develop their skills, and continue their education.

IV. Secure, so far as possible, appropriate recognition of women's accomplishments and contributions to the state.

389:5 Cooperation. The commission may cooperate with any state or federal agency or any private organization in conducting investigations and studies in the area of the status of women.

389:6 Report. The commission shall submit an annual report of its activities to the labor commissioner and to the governor and council. Said report may include any recommendations it may approve for legislation.

389:7 Authority to Accept Gifts. The commission may accept any gifts, donations or grants from any source whatsoever provided said gifts, donations or grants so received shall be used exclusively in the furtherance of the duties of the commission.

389:8 Records. The commission may file and keep its records in space and facilities made available for such purposes in the offices of the department of labor by the commissioner thereof.

389:9 Effective Date. This act shall take effect July 1, 1969.

[Approved July 2, 1969.]

[Effective date July 1, 1969.]

CHAPTER 390.

AN ACT PROVIDING FOR THE LAYING OUT OF A ROAD TO LAKE UMBAGOG.

Be it Enacted by the Senate and House of Representatives in General Court convened:

390:1 Lake Umbagog. The commissioner of the department of public works and highways is authorized to lay out a road to public waters to Lake Umbagog in Cambridge, New Hampshire in accordance with the proposal recommended by the commission appointed by the governor under RSA 235. Said layout shall be a leasehold estate. Public access shall consist of the highway, parking lot and boat landing which shall be constructed in accordance with plans and estimates developed by the department of public works and highways.

390:2 Appropriation. The sum of two thousand dollars is hereby appropriated to meet the costs of construction and acquiring land in furtherance of said project. Such sum shall be a charge on the department of public works and highways and it shall be in addition to any other appropriation for said department.

390:3 Effective Date. This act shall take effect upon its passage.

[Approved July 2, 1969.]

[Effective date July 2, 1969.]

CHAPTER 391.

AN ACT RELATIVE TO EXTENDING THE SERVICE FEE ON AIR CARRIERS TO ALL PUBLIC LANDING AREAS SUPPORTED, IN WHOLE OR IN PART, BY STATE AND MUNICIPALITY OR AIRPORT AUTHORITY FUNDS AND TO ALLOCATE SAID FEES BETWEEN THE STATE AND THE MUNICIPALITIES OR AIRPORT AUTHORITIES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

391:1 Service Fee Extended and Allocated. Amend RSA 422:43 as inserted by 1959, 258:2, by striking out said section and inserting in place thereof the following section: **422:43 Service Fee on Carriers.** Every person, firm or corporation engaged in this state, whether in interstate or intrastate operations, in the business of common carrier of passengers for hire by aircraft on a regular schedule, hereinafter in this section referred to as a passenger carrier by aircraft, who uses in connection with such business a public landing area which, subsequent to October 1, 1959, shall be constructed, operated or maintained, in whole or in part, through or with funds contributed by the state and by a municipality or airport authority shall, at any such landing area, pay a service charge of one dollar with respect to each passenger emplaning upon its aircraft with a gross weight of 12,500 pounds or more, or a service charge of fifty cents with respect to each passenger emplaning upon its aircraft with a gross weight of less than 12,500 pounds. Each passenger carrier by aircraft subject to the provisions of this section shall file with the commission, upon a form prescribed by the commission on or before the fifteenth day of each month, a return showing the number of passengers for hire emplaning at each such landing area during the preceding calendar month upon the aircraft of such passenger carrier by aircraft and the gross weight of such aircraft, together with such other pertinent information as the commission shall require, and shall remit with the return the service fees imposed hereby. Upon audit of the return the commission shall forward fifty percent of the service fees to the state treasurer who shall cover the same into the aeronautical fund established by RSA 422:42. The remaining fifty percent of the service fees shall be allocated and paid by the commission to the municipalities or the airport authorities owning the public landing areas at which the fees reported in said return were imposed. Nothing herein shall prevent a passenger carrier by aircraft from collecting, directly or indirectly, the service fee payable with respect to each passenger from such passenger. The service fees herein provided for shall be due and payable, with respect to any landing area from and after the date of the first receipt of funds for the construction, operation or maintenance thereof from the state and from the municipality or airport authority owning any such public landing area. If any person, firm or corporation subject to the provisions of this section shall fail or neglect to pay the fees imposed thereby, the same may be collected by the attorney general through civil proceedings in any appropriate tribunal.

391:2 Limiting Applicability of Section. Amend RSA 422:45 as inserted by 1961, 217:2, by striking out in line two the number and word "43 and" and by striking out in line four the word "hereinabove" and inserting in place thereof the word (therein) so that said section as amended shall read as follows: **422:45 Termination of Service Fees.** The service charges or fees provided for in section 44 of this chapter shall be collected and paid with respect to any such public landing area, only so long as all or any part of any funds contributed by the state, as therein referred to, used, employed or expended at such public landing area have not been repaid to the state.

391:3 Airport Authority. Amend RSA 422:3 as amended by 1967, 354:1, by inserting after paragraph XXXIII the following new paragraph: XXXIV. "Airport authority" means a body politic incorporated by legislative enact-

ment or pursuant to the provisions of RSA 292, as amended, for the purpose of maintaining, operating, enlarging and improving any landing area in this state and any and all facilities reasonably incident thereto, including those for safe air navigation and the convenience of passengers, for the benefit of the public.

391:4 Expanding Definition of Public Landing Area. Amend RSA 422:3 XXVII by striking out in line two thereof the words "counties, or" and inserting in place thereof the word (counties,) and by inserting in line two after the word towns the following (or airport authorities) so that said paragraph as amended shall read as follows: XXVII "Public landing area" means a landing area owned, occupied, or leased by the federal government, the state, counties, towns or airport authorities. In the case of landing areas on the inland waters, ownership, use, or lease of the ramp or other beaching and terminal facilities will be considered as ownership, occupation, or lease of the landing as a private area.

391:5 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 392.

AN ACT RELATIVE TO RETIREMENT BENEFITS FOR FIREMEN RETURNING TO DUTY AFTER RETIREMENT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

392:1 Firemen's Retirement System. Amend RSA 102:18 by striking out in lines twenty and twenty-one the word "discontinued" and inserting in place thereof the words (continued until such time as the community from which he is retired is able to rehire him) so that said section as amended shall read as follows: **102:18 Ordinary Disability; Medical Examination.** Upon the application to the retirement board of a member in active service, any member who has fifteen or more years of creditable service may be retired on an ordinary disability retirement allowance consisting of an annual sum equal to two-thirds his average final salary as defined in section 15; provided that, the physician or physicians designated by the board certify that he is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that he should be retired. Once each year during the first years following the retirement of a member on a total and permanent disability, or ordinary disability retirement, and once in every three-year period thereafter, the board may require any disability beneficiary, who has not attained age sixty-five, to undergo a medical examination by a physician or physicians designated by the board. If any disability beneficiary, who has not attained age sixty-five, refuses to submit to such medical examination, his retirement may be discontinued by the board, until his withdrawal of such refusal, and if his refusal continues for more than a year all his rights in and to his

pension may be revoked by the board. If the physician or physicians designated by the board report and certify that the disability beneficiary is again able to engage in fire duty, his retirement allowance shall be continued until such time as the community from which he is retired is able to rehire him. On his reinstatement to active service his rate of assessment shall be the same as assessed against him previous to the date of his disability, and his period of disability shall be considered as part of continuous service. If the retirement board finds that any member retired on an ordinary disability allowance under this section is engaged in a gainful occupation paying more than the difference between his annual retirement allowance and his final annual salary prior to retirement, then his disability shall be deemed to have diminished and his retirement allowance shall be reduced to an amount which, together with the amount then being earned by him, shall equal his final annual salary at retirement, as stated above. If his earnings from such gainful occupation are later changed, his retirement allowance may be further modified by the retirement board; provided, however, that his retirement allowance shall at no time exceed the original grant nor an amount which when added to the amount being earned by him equals his final annual salary at retirement, as stated above. The provisions of this section governing adjustments or discontinuance of a member's disability retirement allowance shall apply proportionally in like manner to any benefits which may thereafter become payable to the beneficiary named under any option elected under the provisions of section 16.

392:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 393.

AN ACT PROVIDING FOR LIABILITY INSURANCE FOR STATE OWNED BOATS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

393:1 Boat Liability Insurance Required. Amend RSA 8:19, IX (supp) as amended by 1957, 270:1 and 1967, 123:1 by inserting in line three after the word "vehicles" the word (and motor boats) so that said paragraph as amended shall read as follows: IX. After consultation with, and approval by, the board of approval as established by RSA 93:2, purchase liability insurance under a fleet policy covering the operation of state owned vehicles and motor boats, and such other insurance and surety bonds as any state department, agency or official may now or hereafter be legally authorized to secure, or required to furnish; provided that approval shall not be granted for any such insurance or surety bonds unless the same have been negotiated for, are procured from and the premium therefor is to be paid to a resident agent of an insurance company registered and licensed to do business in this state. With the exception of any risk located outside the state no such insurance company or resident agent, personally or by an-

other, shall allow, give or pay, directly or indirectly, to any nonresident agent or nonresident broker any part of the commission on the sale of such insurance or surety bonds. The insurance commissioner may suspend or revoke the license of any resident agent or insurance company violating the provisions hereof.

393:2 Effective Date. This act shall take effect upon its passage.

[Approved July 2, 1969.]

[Effective date July 2, 1969.]

CHAPTER 394.

AN ACT RELATIVE TO THE QUALIFICATIONS OF PLANNING BOARD MEMBERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

394:1 Qualifications. Amend RSA 36:5 by striking out said section and inserting in place thereof the following: **36:5 Qualifications and Terms of Members.** No appointed member shall also serve as town or city treasurer, tax collector, trustee of town funds, or as a deputy or assistant to any of the aforementioned officers. In the case of towns, no more than one appointed member shall also serve as a member of any other municipal board or commission. In the case of cities, appointed members shall not hold any other municipal office except that one of such appointed members may be a member of the zoning board of adjustment. The terms of ex officio members shall correspond to their respective official tenures, except in the case of cities that the term of the administrative official selected by the mayor shall terminate with the term of the mayor selecting him. The term of each appointed member shall be six years in the case of nine-member planning boards, five years in the case of seven-member planning boards and four years in the case of five-member planning boards, except that the respective terms of five of the members first appointed to a nine-member or a seven-member planning board shall be one, two, three, four, and five years; and in the case of five-member planning boards that the respective terms of the four members first appointed shall be one, two, three, and four years.

394:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 395.

AN ACT TO PLACE A JUDGE OF PROBATE ON THE JUDICIAL COUNCIL.

Be it Enacted by the Senate and House of Representatives in General Court convened:

395:1 Judge of Probate. Amend RSA 494:1 by inserting in line four

after the word "thereof" the following (a judge of probate, selected by the administrative committee of the probate courts) and by striking out in lines four and five the words "Bar Association of the State of New Hampshire" and inserting in place thereof the following (New Hampshire Bar Association) so that said section as amended shall read as follows: **494:1 Judicial Council.** There is hereby established a judicial council which shall consist of a justice of the supreme court, selected by the justices thereof, a justice of the superior court, selected by the justices thereof, a judge of probate, selected by the administrative committee of the probate courts, the attorney general, the president of the New Hampshire Bar Association, and seven other members appointed by the governor with the advice and consent of the council, of whom not less than four shall be members of the bar of wide experience.

395:2 Bar Association. Amend RSA 494:2 by striking out in lines two and three, and in lines eight and nine the words "Bar Association of the State of New Hampshire" and inserting in place thereof the following (New Hampshire Bar Association) so that said section as amended shall read as follows: **494:2 Appointment and Tenure of Office.** The term of each member, except the attorney general and the president of the New Hampshire Bar Association, shall be for three years and until his successor is appointed and qualified. However, in the case of first appointments by the governor and council, two members shall be appointed for one year, two for two years and three for three years. Vacancies shall be filled for the remainder of any term in the same manner as the original appointment. The attorney general and the president of the New Hampshire Bar Association shall be members ex officio.

395:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 396.

AN ACT RELATIVE TO THE METHOD FOR PAYMENT OF THE KOREAN BONUS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

396:1 Korean Veteran's Bonus. Notwithstanding any other statute, any future claim for bonus payment for Korean service, as provided in 1955, 286:4 may be made to the adjutant general, and if approved by him shall be submitted to the governor and council. If said claim is approved by the governor and council, the same shall be paid and it shall be a charge upon the general fund.

396:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 397.

AN ACT RELATIVE TO THE PURCHASE, SALE AND TRANSPORTATION OF LIVE POULTRY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

397:1 Identification. Amend RSA 344:4 by striking out said section and inserting in place thereof the following section: **344:4 Identification.** The commissioner shall furnish to each licensee a permit for transportation of live poultry for each vehicle used for transporting live poultry in New Hampshire.

397:2 Transportation. Amend RSA 344:5 by striking out said section and inserting in place thereof the following section: **344:5 Transportation.** No licensee shall transport live poultry for food purposes without a permit from the department of agriculture which shall designate the vehicle used for such transportation.

397:3 Additional Vehicles. Amend RSA 344:6 by striking out in lines three and four the words "fees for additional number plates or for transfer of existing plates to another vehicle" and inserting in place thereof the word (fee) so that said section as amended shall read as follows: **344:6 — Additional Vehicles.** Whenever any licensee shall acquire additional, or shall exchange, vehicles used in such transportation he shall report the facts to the commissioner and pay the necessary fee.

397:4 Carrying Permit. Amend RSA 344:7 by striking out in line two the word "license" and inserting in place thereof the word (permit) so that said section as amended shall read as follows: **344:7 Carrying Permit.** Every person operating a vehicle used in the business of buying or selling live poultry shall have the permit to engage in such business, or a certified copy thereof, in said vehicle in some easily accessible place.

397:5 Fees. Amend RSA 344:9 by striking out said section and inserting in place thereof the following: **344:9 Fees.** The fee for each license issued hereunder shall be five dollars. The price for each permit shall be three dollars. The fees for transfer shall be one dollar.

397:6 Rules and Regulations. Amend RSA 344:12 by striking out in lines three and four the words "including the determination of the form and design of number plates to be used on vehicles" so that said section as amended shall read as follows: **344:12 Rules and Regulations.** The commissioner of agriculture shall have general authority to administer this chapter and shall make and may modify rules and regulations carrying out its provisions.

397:7 Repeal. RSA 344:10, 15, 16, 17, 18, relative to purchase, sale and transportation of poultry, are hereby repealed.

397:8 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 398.**AN ACT RELATING TO THE REGISTRATION OF VEHICLES OPERATING IN
INTERSTATE COMMERCE.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

398:1 Registration. Amend RSA 375-B:23 (supp) as inserted by 1967, 348:1, by striking out in line two the word "Each" and inserting in place thereof the words (Every person before operating a) so that said section as amended shall read as follows: **375-B:23 Registration of Vehicles Operating in Interstate Commerce.** Every person before operating a vehicle equipped with machinery for propulsion over the public highways engaged in interstate operations in the performance of the carriage of property for hire as a common carrier by motor vehicle or a contract carrier by motor vehicle and engaged exclusively in interstate commerce shall register such vehicles with the public utilities commission and pay therefor a fee of five dollars annually.

398:2 Effective Date. This act shall take effect on passage.

[Approved July 2, 1969.]

[Effective date July 2, 1969.]

CHAPTER 399.**AN ACT RELATIVE TO THE MODE OF ACQUISITION OF DAMS BY THE STATE.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

399:1 Governor and Council. Amend RSA 4:29 by inserting at the end thereof the following: (Provided however that no dam or any real property appurtenant thereto or any rights and easements in either may be acquired pursuant to the authority of this section or any other provision of law except an act of the legislature which authorizes the acquisition of a particular dam, real property, or right or easement) so that said section as amended shall read as follows: **4:29 By Purchase.** The governor, with the advice and consent of the council, may acquire on behalf of the state, either by purchase or otherwise, as hereinafter provided, any real estate within the state which he may deem necessary for any military purpose, for public parks, public buildings, or for any other public improvement purposes and to accept deeds thereof in the name of the state. Provided however that no dam or any real property appurtenant thereto or any rights and easements in either may be acquired pursuant to the authority of this section or any other provision of law except an act of the legislature which authorizes the acquisition of a particular dam, real property, or right or easement.

399:2 Water Resources Board. Amend RSA 481:3, III by inserting at the end thereof the following: (Provided however that no dam or any real property appurtenant thereto or any rights and easements in either may be acquired pursuant to the authority of this section or any other provision

of law except an act of the legislature which authorizes the acquisition of a particular dam, its real property, rights or easements), so that said section as amended shall read as follows: III. To acquire in the name of the state by purchase, condemnation, lease, or otherwise, real property and rights and easements therein, deemed by it necessary or desirable for its corporate purposes, and to use such property. Provided however that no dam or any real property appurtenant thereto or any rights and easements in either may be acquired pursuant to the authority of this section or any other provision of law except an act of the legislature which authorizes the acquisition of a particular dam, its real property, rights or easements.

399:3 Dam In Disrepair. Amend RSA 482:36, I by striking out said paragraph and inserting in place thereof the following: 1. To hold in the name of the state real property and rights and easements therein, including dams in disrepair, deemed by it necessary or desirable for the purposes hereof, and to use such property. Provided however that no dam or any real property appurtenant thereto or any rights and easements in either may be acquired pursuant to the authority of this section or any other provision of law except an act of the legislature which authorizes the acquisition of a particular dam, real property, or right or easement.

399:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 400.

AN ACT RELATIVE TO THE INVESTMENT OF SAVINGS DEPOSITS BY A BANK DOING A
GENERAL BANKING BUSINESS, AND ABOLISHING THE GUARANTY FUND.

Be it Enacted by the Senate and House of Representatives in General Court convened:

400:1 Surplus Funds. Amend RSA 390:8 by striking out said section and inserting in place thereof the following: **390:8 Surplus Funds.** Every such corporation shall set aside annually a sum equal to not less than ten percent of its net earnings as a surplus fund until such fund amounts to one hundred percent of its capital stock, which fund shall be invested in the same manner as deposits in savings banks may be invested, subject to the limitations, however, contained in RSA 387:3. No part of this fund shall be used in the payment of dividends on the stock of the corporation.

400:2 Time and Savings Deposits. Amend RSA 390:9 as amended by 1967, 23:3 by striking out said section and inserting in place thereof the following: **390:9 Time and Savings Deposits.** Every such corporation receiving time and savings deposits or transacting the business of a savings bank shall keep invested only in the classes of securities and loans authorized for savings banks an amount, which when added to its reserves, is not less than the aggregate amount of all its savings deposits, subject to the limitations, however, contained in RSA 387:3, and subject to the further

limitation that in determining the unsecured loaning limitation under RSA 387:5, IV, capital funds shall be construed to include capital debentures, if any, capital stock, surplus, and reserves not allocated to any known liability, and may invest its time deposits and the balance of its funds in loans and investments authorized for the commercial department of a trust company under the provisions of RSA 392:39 and 40.

400:3 Transfer to Guaranty Fund. On the effective date of this act the guaranty fund of every such corporation shall be closed out and the balance transferred to the surplus fund, and thenceforth the surplus fund of any such corporation shall be deemed to have all the attributes of a guaranty fund in the application of RSA 386:10; RSA 387:3, VI and RSA 387:5, IV.

400:4 Repeal. RSA 392:36 relative to a surplus fund is hereby repealed.

400:5 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 401.

AN ACT TO AUTHORIZE THE WATER RESOURCES BOARD TO ACQUIRE CERTAIN DAMS AND WATER RIGHTS LOCATED AT MASCOMA LAKE, GOOSE POND BROOK, CRYSTAL LAKE BROOK, AND GRAFTON POND.

Be it Enacted by the Senate and House of Representatives in General Court convened:

401:1 New Chapter. Amend RSA by inserting after chapter 482-B the following new chapter:

Chapter 482-C

Acquisition of Certain Dams and Water Rights.

482-C:1 For consideration of one dollar for each dam acquired, the water resources board is authorized to accept conveyances from the owners of the following listed property for the purpose of improving and controlling certain water rights for the benefit of the state:

I. The dam, water rights, land and any buildings connected therewith at Mascoma Lake in the towns of Lebanon and Enfield.

II. The dam, water rights and land connected therewith on the Goose Pond Brook in the towns of Canaan and Hanover.

III. The dam, water rights and land connected therewith on Crystal Lake Brook in the town of Enfield.

IV. The dam, water rights and land connected therewith at Grafton Pond in the town of Grafton.

482-C:2 Repairs and Improvements. After the acquisition the board may make repairs and modifications, or it may rebuild the dams so acquired, so as to best serve the interests of the state.

482-C:3 Tax Exemption. The properties authorized to be acquired by the water resources board for the benefit of the state by this chapter are exempt from taxation as long as the properties are held by the state.

401:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 402.

AN ACT RELATIVE TO THE SALARY OF THE REGISTER OF DEEDS FOR
STRAFFORD COUNTY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

402:1 Salary Increased. Amend RSA 478:18 as amended by 1967, 442:1 by striking out said section and inserting in place thereof the following:
478:18 Salary. The register of deeds for Strafford county shall be paid an annual salary of nine thousand dollars. Said salary shall be paid in equal monthly installments.

402:2 Effective Date. This act shall take effect as of July 1, 1969.

[Approved July 2, 1969.]

[Effective date July 1, 1969.]

CHAPTER 403.

AN ACT AUTHORIZING WIRETAPPING AND EAVESDROPPING IN CERTAIN CASES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

403:1 New Chapter. Amend RSA by inserting after chapter 570 the following new chapter:

Chapter 570-A

Wiretapping and Eavesdropping

570-A:1 Definitions. As used in this chapter:

I. "Wire communication" means any communication made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception furnished or operated by any person engaged as a common carrier in providing or operating such facilities for the transmission of communications;

II. "Oral communication" means any oral communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation;

III. "Intercept" means the aural acquisition of the contents of any wire or oral communication through the use of any electronic, mechanical, or other device;

IV. "Electronic, mechanical, or other device" means any device or apparatus which can be used to intercept a wire or oral communication other than;

(a) any telephone or telegraph instrument, equipment or facility, or any component thereof, (i) furnished to the subscriber or user by a communications common carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business; or (ii) being used by a communications common carrier in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his duties;

(b) a hearing aid or similar device being used to correct subnormal hearing to not better than normal;

V. "Person" means any employee, or agent of the state or political subdivision thereof, and any individual, partnership, association, joint stock company, trust, or corporation;

VI. "Investigative or law enforcement officer" means any officer of the state or political subdivision thereof, who is empowered by law to conduct investigations of or to make arrests for offenses enumerated in this chapter, and any attorney authorized by law to prosecute or participate in the prosecution of such offenses;

VII. "Contents", when used with respect to any wire or oral communication, includes any information concerning the identity of the parties to such communication or the existence, substance, purport, or meaning of that communication;

VIII. "Judge of competent jurisdiction" means a judge of the superior court;

IX. "Communication common carrier" shall mean any person engaged as a common carrier for hire in communication by wire or radio or radio transmission of energy, but a person engaged in radio broadcasting shall not insofar as said person is so engaged, be deemed a common carrier;

X. "Aggrieved person" means a person who was a party to any intercepted wire or oral communication or a person against whom the interception was directed.

XI. "Organized crime" means the unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including but not limited to homicide, gambling, prostitution, narcotics, marijuana or other dangerous drugs, bribery, extortion, blackmail and other unlawful activities of members of such organizations.

570-A:2 Interception and Disclosure of Wire or Oral Communications Prohibited.

I. Except as otherwise specifically provided in this chapter, any person who without the consent of all parties to the communication;

(a) wilfully intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept, any wire or oral communication;

(b) wilfully uses, endeavors to use, or procures any other person to use or endeavor to use any electronic, mechanical, or other device to intercept any oral communication when;

(i) such device is affixed to, or otherwise transmits a signal through, a wire, cable, or other like connection used in wire communication; or

(ii) such device transmits communications by radio, or interferes with the transmission of such communication; or

(iii) such use or endeavor to use (A) takes place on premises of any business or other commercial establishment; or (B) obtains or is for the purpose of obtaining information relating to the operations of any business or other commercial establishment; or

(c) wilfully discloses, or endeavors to disclose, to any other person the contents of any wire or oral communication, knowing or having reason to know that the information was obtained through the interception of a wire or oral communication in violation of this paragraph; or

(d) wilfully uses, or endeavors to use, the contents of any wire or oral communication, knowing or having reason to know that the information was obtained through the interception of a wire or oral communication in violation of this paragraph;

shall be fined not more than ten thousand dollars or imprisoned not more than five years, or both.

II. It shall not be unlawful under this chapter for an operator of a switchboard, or an officer, employee, or agent of any communication common carrier, whose facilities are used in the transmission of a wire communication, to intercept, disclose, or use that communication in the normal course of his employment while engaged in any activity which is a necessary incident to the rendition of his service or to the protection of the rights or property of the carrier of such communication: Provided, that said communication common carriers shall not utilize service observing or random monitoring except for mechanical or service quality control checks.

It shall not be unlawful under this chapter for an officer, employee, or agent of the Federal Communications Commission, in the normal course of his employment and in discharge of the monitoring responsibilities exercised by the commission in the enforcement of chapter 5 of title 47 of the United States Code, to intercept a wire communication, or oral communication transmitted by radio, or to disclose or use the information thereby obtained.

570-A:3 Manufacture, Distribution, Possession, and Advertising of Wire or Oral Communication Intercepting Devices Prohibited.

I. Except as otherwise specifically provided in this chapter, any person who wilfully;

(a) manufactures, assembles, possesses, or sells any electronic, mechanical, or other device, knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of wire or oral communications; or

(b) places in any newspaper, magazine, handbill, or other publication any advertisement of;

(i) any electronic, mechanical, or other device knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of wire or oral communications; or

(ii) any other electronic, mechanical, or other device, where such advertisement promotes the use of such device for the purpose of the surreptitious interception of wire or oral communications, shall be fined not more than ten thousand dollars or imprisoned not more than five years, or both.

II. It shall not be unlawful under this section for:

(a) a communications common carrier or an officer, agent, or employee of, or a person under contract with, a communications common carrier, in the normal course of the communications common carrier's business, or

(b) an officer, agent, or employee of, or a person under contract with, the state, or a political subdivision thereof, in the normal course of the activities of the state, or a political subdivision thereof, to manufacture, assemble, possess, or sell any electronic, mechanical, or other device knowing or having reason to know that the design of such device renders it primarily useful for the purpose of the surreptitious interception of wire or oral communications.

570-A:4 Confiscation of Wire or Oral Communication Intercepting Devices. Any electronic, mechanical, or other device used, sent, carried, manufactured, assembled, possessed, sold, or advertised in violation of section 2 or section 3 of this chapter may be seized and forfeited to the state according to the procedure set forth in RSA 617.

570-A:5 Immunity of Witnesses. Whenever in the judgment of the attorney general the testimony of any witness, or the production of books, papers, or other evidence by any witness, in any case or proceeding before any grand jury or superior court involving any violation of this chapter or any of the offenses enumerated in section 7, or any conspiracy to violate this chapter or any of the offenses enumerated in section 7 is necessary to the public interest, the attorney general, or a county attorney upon the written approval of the attorney general, shall make application to the superior court that the witness shall be instructed to testify or produce evidence subject to the provisions of this section, and upon order of the court such witness shall not be excused from testifying or from producing books, papers, or other evidence on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. No such witness shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, nor shall testimony so compelled be used as evidence in any criminal proceeding (except in the proceeding described in the next sentence) against him in any court. No witness shall be exempt under this section from prosecution for perjury or contempt committed while giving testimony or producing evidence under compulsion as provided in this section.

570-A:6 Prohibition of Use as Evidence of Intercepted Wire or Oral Communications. Whenever any wire or oral communication has been intercepted, no part of the contents of such communication and no evidence derived therefrom may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the state, or a political subdivision thereof, if the disclosure of that information would be in violation of this chapter.

570-A:7 Authorization for Interception of Wire or Oral Communications. The attorney general, deputy attorney general, or a county attorney upon the written approval of the attorney general or deputy attorney general, may apply to a judge of competent jurisdiction for an order authorizing or approving the interception of wire or oral communications, may apply to such judge for, and such judge may grant in conformity with section 9 of this chapter an order authorizing, or approving the interception of wire or oral communications by law enforcement officers having responsibility for the investigation of the offense as to which the application is made, when such interception may provide or has provided evidence of the commission of organized crime, as defined in section 1, X1 herein, or evidence of commission of the offenses of homicide, kidnapping, gambling, bribery, extortion, blackmail, or dealing in narcotic drugs, marijuana or other dangerous drugs, or any conspiracy to commit any of the foregoing offenses.

570-A:8 Authorization for Disclosure and Use of Intercepted Wire or Oral Communications.

I. Any law enforcement officer, who, by any means authorized by this chapter, has obtained knowledge of the contents of any wire or oral communication, or evidence derived therefrom, may disclose such contents to another law enforcement officer to the extent that such disclosure is appropriate to the proper performance of the official duties of the officer making or receiving the disclosure.

II. Any law enforcement officer who, by any means authorized by this chapter, has obtained knowledge of the contents of any wire or oral communication or evidence derived therefrom may use such contents to the extent such use is appropriate to the proper performance of his official duties.

III. Any person who has received, by any means authorized by this chapter, any information concerning a wire or oral communication, or evidence derived therefrom intercepted in accordance with the provisions of this chapter may disclose the contents of that communication or such derivative evidence while giving testimony under oath or affirmation in any criminal proceeding in any court of the United States or of any state or in any federal or state grand jury proceeding.

IV. No otherwise privileged wire or oral communication intercepted in accordance with, or in violation of, the provisions of this chapter shall lose its privileged character.

V. When a law enforcement officer, while engaged in intercepting wire or oral communications in the manner authorized herein, intercepts wire or oral communications relating to offenses other than those specified

in the order of authorization or approval, the contents thereof, and evidence derived therefrom, may be disclosed or used as provided in paragraphs I and II of this section. Such contents and any evidence derived therefrom may be used under paragraph III of this section when authorized or approved by a judge of competent jurisdiction where such judge finds on subsequent application that the contents were otherwise intercepted in accordance with the provisions of this chapter. Such application shall be made as soon as practicable.

570-A:9 Procedure for Interception of Wire or Oral Communications.

I. Each application for an order authorizing or approving the interception of a wire or oral communication shall be made in writing upon oath or affirmation to a judge of competent jurisdiction and shall state the applicant's authority to make such application. Each application shall include the following information:

(a) the identity of the law enforcement officer making the application, and the officer authorizing the application;

(b) a full and complete statement of the facts and circumstances relied upon by the applicant, to justify his belief that an order should be issued, including (i) details as to the particular offense that has been, is being, or is about to be committed, (ii) a particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted, (iii) a particular description of the type of communications sought to be intercepted, (iv) the identity of the person, if known, committing the offense and whose communications are to be intercepted;

(c) a full and complete statement as to whether or not other investigative procedures have been tried and failed or why they reasonably appear to be unlikely to succeed if tried or to be too dangerous;

(d) a statement of the period of time for which the interception is required to be maintained. If the nature of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, a particular description of facts establishing probable cause to believe that additional communications of the same type will occur thereafter;

(e) a full and complete statement of the facts concerning all previous applications known to the individual authorizing and making the application, made to any judge for authorization to intercept, or for approval of interceptions of, wire or oral communications involving any of the same persons, facilities or places specified in the application, and the action taken by the judge on each such application; and

(f) where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results.

II. The judge may require the applicant to furnish additional testimony or documentary evidence in support of the application.

III. Upon such application the judge may enter an ex parte order, as requested or as modified, authorizing or approving interception of wire or oral communications, if the judge determines on the basis of the facts submitted by the applicant that;

(a) there is probable cause for belief that an individual is committing, has committed, or is about to commit a particular offense enumerated in section 7 of this chapter;

(b) there is probable cause for belief that particular communications concerning that offense will be obtained through such interception;

(c) normal investigative procedures have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous;

(d) there is probable cause for belief that the facilities from which, or the place where, the wire or oral communications are to be intercepted are being used, or are about to be used, in connection with the commission of such offense, or are leased to, listed in the name of, or commonly used by such person.

IV. Each order authorizing or approving the interception of any wire or oral communication shall specify;

(a) the identity of the person, if known, whose communications are to be intercepted;

(b) the nature and location of the communications facilities as to which, or the place where, authority to intercept is granted;

(c) a particular description of the type of communication sought to be intercepted, and a statement of the particular offense to which it relates;

(d) the identity of the agency authorized to intercept the communications, and of the person authorizing the application; and

(e) the period of time during which such interception is authorized, including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained.

V. No order entered under this section may authorize or approve the interception of any wire or oral communication for any period longer than is necessary to achieve the objective of the authorization, nor in any event longer than ten days. Extensions of an order may be granted, but only upon application for an extension made in accordance with paragraph I of this section and the court making the findings required by paragraph III of this section. The period of extension shall be no longer than the authorizing judge deems necessary to achieve the purposes for which it was granted and in no event for longer than ten days. Every order and extension thereof shall contain a provision that the authorization to intercept shall be executed as soon as practicable, shall be conducted in such a way as to minimize the interception of communications not otherwise subject to interception under this chapter, and must terminate upon attainment of the authorized objective, or in any event in ten days.

VI. Whenever an order authorizing interception is entered pursuant to this chapter, the order may require reports to be made to the judge who issued the order showing what progress has been made toward achievement of the authorized objective and the need for continued interception. Such reports shall be made at such intervals as the judge may require.

VII. (a) The contents of any wire or oral communication intercepted by any means authorized by this chapter shall, if possible, be recorded on

tape or wire or other comparable device. The recording of the contents of any wire or oral communication under this paragraph shall be done in such way as will protect the recording from editing or other alterations. Immediately upon the expiration of the period of the order, or extensions thereof, such recordings shall be made available to the judge issuing such order and sealed under his directions. Custody of the recordings shall be wherever the judge orders. They shall not be destroyed except upon an order of the issuing or denying judge and in any event shall be kept for ten years. Duplicate recordings may be made for use or disclosure pursuant to the provisions of paragraphs I and II of section 8 of this chapter for investigations. The presence of the seal provided for by this paragraph, or a satisfactory explanation for the absence thereof, shall be a prerequisite for the use or disclosure of the contents of any wire or oral communication or evidence derived therefrom under paragraph III of section 8.

(b) Applications made and orders granted under this chapter shall be sealed by the judge. Custody of the applications and orders shall be wherever the judge directs. Such applications and orders shall be disclosed only upon a showing of good cause before a judge of competent jurisdiction and shall not be destroyed except on order of the issuing or denying judge, and in any event shall be kept for ten years.

(c) Any violation of the provisions of this paragraph may be punished as contempt of the issuing or denying judge.

VIII. The contents of any intercepted wire or oral communication or evidence derived therefrom shall not be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in a state court unless each party, not less than ten days before the trial, hearing, or proceeding, has been furnished with a copy of the court order, and accompanying application, under which the interception was authorized or approved. This ten-day period may be waived by the judge if he finds that it was not possible to furnish the party with the above information ten days before the trial, hearing, or proceeding and that the party will not be prejudiced by the delay in receiving such information.

IX. (a) Any aggrieved person in any trial, hearing, or proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the state, or a political subdivision thereof, may move to suppress the contents of any intercepted wire or oral communication, or evidence derived therefrom, on the grounds that:

- (i) the communication was unlawfully intercepted;
- (ii) the order of authorization or approval under which it was intercepted is insufficient on its face; or
- (iii) the interception was not made in conformity with the order of authorization or approval.

Such motion shall be made before the trial, hearing, or proceeding unless there was no opportunity to make such motion or the person was not aware of the grounds of the motion. If the motion is granted, the contents of the intercepted wire or oral communication, or evidence derived therefrom, shall be treated as having been obtained in violation of this chapter. The judge, upon the filing of such motion by the aggrieved person, may in his

discretion make available to the aggrieved person or his counsel for inspection such portions of the intercepted communication or evidence derived therefrom as the judge determines to be in the interests of justice.

(b) In addition to any other right to appeal, the state shall have the right to appeal from an order granting a motion to suppress made under subparagraph (a) of this paragraph, or the denial of an application for an order of approval, if the attorney shall certify to the judge or other official granting such motion or denying such application that the appeal is not taken for purposes of delay. Such appeal shall be taken within thirty days after the date the order was entered and shall be diligently prosecuted.

570-A:10 Reports Concerning Intercepted Wire or Oral Communications.

I. Within thirty days after the expiration of an order (or each extension thereof) entered under section 9, or the denial of an order approving an interception, the issuing or denying judge shall report to the administrative office of the United States Courts;

- (a) the fact that an order or extension was applied for;
- (b) the kind of order or extension applied for;
- (c) the fact that the order or extension was granted as applied for, was modified, or was denied;
- (d) the period of interceptions authorized by the order, and the number and duration of any extensions of the order;
- (e) the offense specified in the order or application, or extension of an order;
- (f) the identity of the applying investigative or law enforcement officer and agency making the application and the person authorizing the application; and;
- (g) the nature of the facilities from which or the place where communications were to be intercepted.

II. In January of each year each county attorney shall report to the attorney general who shall report, in turn, to the administrative office of the United States Courts;

(a) the information required by subparagraphs (a) through (g) of paragraph I of this section with respect to each application for an order or extension made during the preceding calendar year;

(b) a general description of the interceptions made under such order or extension, including (i) the approximate nature and frequency of incriminating communications intercepted, (ii) the approximate nature and frequency of other communications intercepted, (iii) the approximate number of persons whose communications were intercepted, and (iv) the approximate nature, amount, and cost of the manpower and other resources used in the interceptions;

(c) the number of arrests resulting from interceptions made under such order or extension, and the offenses for which arrests were made;

(d) the number of trials resulting from such interceptions;

(e) the number of motions to suppress made with respect to such interceptions, and the number granted or denied;

(f) the number of convictions resulting from such interceptions and the offenses for which the convictions were obtained and a general assessment of the importance of the interceptions; and

(g) the information required by subparagraphs (b) through (f) of this paragraph with respect to orders or extensions obtained in a preceding calendar year.

III. On or before December 1, preceding each biennial session of the general court, the attorney general shall include in the report required of him by RSA 7:37, a report concerning the number of applications for orders authorizing or approving the interception of wire or oral communications and the number of orders and extensions granted or denied during the preceding two years.

570-A:11 Recovery of Civil Damages Authorized. Any person whose wire or oral communication is intercepted, disclosed, or used in violation of this chapter shall have a civil cause of action against any person who intercepts, discloses, or uses, or procures any other person to intercept, disclose or use such communications, and be entitled to recover from any such person; (a) actual damages but not less than liquidated damages computed at the rate of one hundred dollars a day for each day of violation or one thousand dollars, whichever is higher; (b) punitive damages; and (c) a reasonable attorney's fee and other litigation costs reasonably incurred. Good faith reliance on a court order or on a representation made by the attorney general, deputy attorney general or a county attorney shall constitute a complete defense to any civil or criminal action brought under this chapter.

403:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 404.

AN ACT RELATIVE TO THE OPEN SEASON ON RACCOON IN COOS AND GRAFTON COUNTIES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

404:1 Open Season Extended. Amend RSA 210:2 (supp) as amended by 1959, 151:1 and 1967, 27:1, 208:1 by striking out said section and inserting in place thereof the following: **210:2 Raccoons.** Raccoons may be taken and possessed with the aid of and by the use of a dog and gun in Coos and Grafton counties anytime, and in the rest of the state from August first to December first, and by the use of traps in Coos and Grafton counties anytime, and in the rest of the state from November first to December first. No person shall take more than three raccoons from twelve noon of one day to twelve noon of the following day, nor more than twenty-five raccoons in one season except these limits shall not apply in Coos and Grafton

counties. No person shall hunt raccoons at night by the use of a rifle, revolver, or pistol larger than twenty-two caliber long rifle or by the use of shotgun shells carrying shot larger than number four or by the use of a light other than a kerosene lantern or pressure type lantern or by the use of a flashlight with more than seven cells. No person shall take or attempt to take raccoons by use of a light from a motor vehicle.

404:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 405.

AN ACT TO AUTHORIZE BUSINESS CORPORATIONS TO INDEMNIFY DIRECTORS, OFFICERS
AND EMPLOYEES UNDER CERTAIN CIRCUMSTANCES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

405:1 Additional Powers. Amend RSA 294:4 as amended by 1965, 183:1 by inserting after paragraph VIII the following: IX. To indemnify and reimburse any person made a party to any action, suit or proceeding by reason of the fact that such party, or the person whose legal representative or successor such party is, was or is a director, officer or employee of such corporation or, at its request, of another corporation in which it has an interest for expenses, including attorneys' fees, and such amount of any judgment, money decree, fine, penalty or settlement for which he may have become liable as the board of directors deems reasonable, actually incurred by him in connection with the defense or reasonable settlement of any such action, suit or proceeding, or any appeal therein, except in relation to matters as to which such party, or the person whose legal representative or successor such party is, is finally adjudged in such action, suit or proceeding not to have acted in good faith in the reasonable belief that his action or failure to act was in the best interests of the corporation first mentioned; such power to be exercised on behalf of the corporation by its board of directors.

405:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 406.

AN ACT RELATIVE TO THE NEW HAMPSHIRE VETERANS INCORPORATED.

Be it Enacted by the Senate and House of Representatives in General Court convened:

406:1 Name Changed. Amend RSA 72:23-a (supp) as inserted by 1957, 202:4 and amended by 1961, 233:1 by striking out said section and inserting in place thereof the following: **72:23-a Veterans Organization.** The real estate and the personal property owned, occupied and used directly by the New Hampshire Veterans Incorporated, the United Spanish War Veterans, Veterans of Foreign Wars, the American Legion, the Disabled American Veterans, Sons of Union Veterans of the Civil War, Veterans of World War I Incorporated and any other veterans organization incorporated by Act of Congress or of its departments or local chapters or posts, shall be exempt from taxation.

406:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 407.

AN ACT PERMITTING HIGH SCHOOL STUDENTS TO WORK FOR PRACTICAL EXPERIENCE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

407:1 Special Authorization for Work-study Program. Amend RSA 279 by inserting after section 22-a (supp) the following new section: **279:22-aa High School Students.** Upon application by a participating employer or proper school authority, the labor commissioner may establish a sub-minimum wage rate, or no rate, for high school students working for practical experience, if circumstances warrant. Guidelines shall be established by the labor commissioner to determine whether an employer-employee relationship exists between participating parties for such work in respect to existing labor laws.

407:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 408.

AN ACT RELATIVE TO THE ORGANIZATION OF TRUST COMPANIES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

408:1 Question of Convenience and Advantage. Amend RSA 392:8 by striking out said section and inserting in place thereof the following:

392:8 Decision. In deciding the question, the board shall include in its consideration:

I. The adequacy of the proposed trust company's capital structure.

II. The earning prospects of the proposed trust company.

III. The convenience and needs of the community to be served by the proposed trust company.

IV. The character and general standing in the community of subscribers, the prospective directors, proposed officers and other employees, and other persons connected with the petition or to be connected with the proposed trust company.

V. The banking ability and experience of proposed officers and other employees.

Upon reaching its decision on the question, the board shall make a record thereof. If the decision is adverse to the petitioners, the petition shall be dismissed and no further proceedings shall be had, but a new petition may be filed after one year from the date of the decision.

408:2 Petition. Amend RSA 392:5 by inserting in line five after the word "incorporation" the words (upon receipt of said petition, the bank commissioner shall cause to be made a complete and exhaustive field investigation based upon a thorough analysis of the factors on which a decision of approval or denial is based. These factors shall include but not be limited to the five factors as given in RSA 392:8) so that said section as amended shall read as follows: **392:5 Petition.** A petition setting forth said agreement of association or the terms thereof, signed by the subscribers thereto and praying for a decision of the question whether the public convenience and advantage will be promoted by the establishment of such corporation, shall be filed with the board of trust company incorporation. Upon receipt of said petition the bank commissioner shall cause to be made a complete and exhaustive field investigation based upon a thorough analysis of the factors on which a decision of approval or denial is based. These factors shall include but not be limited to the five factors as given in RSA 392:8.

408:3 Publication. Amend RSA 392:6 by striking out said section and inserting in place thereof the following: **392:6 Notice.** A notice in such form as said board shall approve, stating the date before which objections may be filed, shall then be published at least once a week for three successive weeks, in one or more newspapers to be designated by said board, one of which shall be a newspaper published in the city or town in which it is proposed to establish the corporation, if there be such, otherwise one published in the county in which said city or town is situated, the first publication of such notice to be within thirty days after said petition is filed with said board, and a copy of such notice shall be mailed to every bank, trust company or similar corporation located in said city or town. Any interested person or corporation may, within the time specified, file with the board a statement of objection to the granting of such petition.

408:4 Notice. Amend RSA 392:7 by striking out said section and inserting in place thereof the following: **392:7 — Form.** Such notice shall specify the names of the incorporators, the name of the corporation and the location of the same, as set forth in said agreement.

408:5 Another Petition. Amend RSA 392:9 by striking out said section and inserting in place thereof the following: **392:9 New Agreement.** If in any case the board shall be of the opinion that the public convenience and advantage will not be promoted by the exercise by the proposed corporation of all the powers and privileges which are included in said agreement of association, but that the same would be promoted by the exercise of a part thereof, it shall so notify the petitioners; and in such case the petitioners may have leave to withdraw, and may at once file another petition setting forth a new agreement of association, upon which the same procedure shall be had as upon an original petition.

408:6 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 409.

AN ACT RELATIVE TO EXHIBITING WILD ANIMALS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

409:1 Non-dangerous Animals Excepted. Amend RSA 469:4 by inserting at the end thereof the following (and shall not apply to the exhibition of live wild animals not considered to be dangerous to the public by the owner or operator who is exhibiting such animals) so that said section as amended shall read as follows: **469:4 Enclosure and Cages; Exceptions.** No person shall exhibit live wild animals to the public unless the enclosures or cages in which the same are kept are of such construction and design as to prevent accidental contact between such animals and the public, nor until the director of fish and game or his agent shall have approved in writing the design and construction of such enclosures or cages. The provisions of this section shall not be deemed to refer to the exhibition of live wild animals not native to this state by persons operating a regularly organized circus, or animal breeding or training farms, and shall not apply to the exhibition of live wild animals not considered to be dangerous to the public by the owner or operator who is exhibiting such animals.

409:2 Effective Date. This act shall take effect upon its passage.

[Approved July 2, 1969.]

[Effective date July 2, 1969.]

CHAPTER 410.

AN ACT RELATING TO THE USE OF NOMINEES BY SAVINGS BANKS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

410:1 Registration of Securities Owned by Bank. Amend RSA 387 by inserting after section 24 the following new section:

387:24-a Nominee. Notwithstanding the provisions of section 24, any savings bank may cause certificates for shares of stock, certificates of interest, registered bonds or other securities owned by it, to be registered and held in the name of a nominee without mention of the bank's ownership; provided that (1) the records of the bank clearly show its ownership of such securities and the name and address of the nominee in whose name the same are held; and (2) the nominee shall not have possession of, or uncontrolled access to, such securities; and (3) every nominee shall be bonded by the savings bank in question or the correspondent bank of such savings bank which has the custody of such securities.

410:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 411.

AN ACT RELATING TO THE INVESTMENT, MORTGAGE PARTICIPATION, AND TRUST POWERS OF SAVINGS BANKS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

411:1 Other Corporations. Amend RSA 387:17-a as inserted by 1963, 326:1 and amended by 1967, 117:3 by striking out said section and inserting in place thereof the following new section: **387:17-a Other Institutions.** The Small Business Administration and other federally-chartered corporations which are agencies or instrumentalities of the United States, the Industrial Development Authority as an agency of the state, trustees of pension trusts and retirement funds, and credit unions shall be deemed qualified to be an originating lender or a participating lender, and other New Hampshire corporations shall be deemed qualified to be participating lenders, within the meaning of this chapter and the definitions contained in paragraphs XIII, XIV and XV of section 1 of this chapter, in participation with any of the kinds of institutions mentioned therein. Provided, however, that the authority granted by this section shall be limited to participation in mortgage loans authorized by paragraphs I, II, III, IV and VI of section 4 of this chapter.

411:2 Repeal. RSA 387:17-b as inserted by 1967, 308:8 relative to the Industrial Development Authority is hereby repealed.

411:3 Seven and One-half Per Cent Limit. Amend RSA 387:18 as amended by 1955, 214:12 and 1963, 326:7 by striking out in lines one and eleven the word "five" and inserting in place thereof the words (seven and one-half) so that said section as amended shall read as follows: **387:18 Prudent Investments.** Not exceeding seven and one-half per cent of the deposits of a savings bank or the savings department of a banking and trust

company may be invested, subject to the limitations expressed in section 3 of this chapter, in securities which are not authorized investments under sections of this chapter numbered 6 to 16 inclusive, but which are prudent investments for such a bank to make, provided: (a) The bank making such investment shall have capital funds equal to at least five per cent of its deposits; and (b) The securities being purchased under the authorization of this section do not, when added to all other securities then owned by the bank, the purchase of which would not then be authorized by the other sections of this chapter, exceed seven and one-half per cent of its deposits; and (c) Provided further, however, that a bank having capital funds of less than ten per cent of deposits may invest an amount not exceeding that by which its capital funds exceed five per cent of deposits in securities authorized for investment under this section.

411:4 Savings Banks. Amend RSA 386 by inserting after section 54 the following new subdivision:

Self-employed Retirement Plans

386:55 Trustee Powers. A savings bank shall have the power to act as trustee under a retirement plan established pursuant to the provisions of the act of congress entitled "Self-Employed Individuals Tax Retirement Act of 1962", provided that the provisions of such retirement plan permit, although they need not limit, the investment of the funds of such trust in deposits in savings banks. In the event that any such retirement plan which, in the judgment of the savings bank, constituted a qualified plan under the provisions of said Self-Employed Individuals Tax Retirement Act of 1962 and the regulations promulgated thereunder at the time the trust was established and accepted by the savings bank, is subsequently determined not to be such a qualified plan, in whole or in part, the savings bank may, nevertheless, continue to act as trustee of any funds theretofore delivered to it under such plan and to dispose of the same in accordance with the directions of the grantor and the beneficiaries thereof. No savings bank, in respect of funds of which it is trustee under this section, shall be required to segregate such funds for purposes of investment, unless the trust instrument so provides; but a savings bank shall keep appropriate records for each trust showing in proper detail all transactions engaged in under the authority of this section.

411:5 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 412.

AN ACT RELATIVE TO LOANS BY SAVINGS BANKS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

412:1 Percentage in Real Estate Loans. Amend RSA 387:3, IV as

amended by 1959, 299:1 and 1963, 326:5 by striking out said paragraph and inserting in place thereof the following new paragraph: IV. Not exceeding ninety percent in aggregate of the deposits shall be invested in loans authorized by section 4 of this chapter provided, however, (1) that to the extent investments in such loans shall exceed in the aggregate eighty percent of deposits an amount not less than such excess shall be invested either in that portion of mortgage obligations which is guaranteed by the Administrator of Veterans' Affairs under Title III of the Servicemen's Readjustment Act of 1944, as amended from time to time, or in mortgage obligations wholly guaranteed under such title, or in mortgage obligations the payment of which is insured by the Federal Housing Commissioner or by the Secretary of Agriculture, and (2) that not exceeding ten percent of the deposits shall be invested in loans secured by mortgages upon real estate outside of New England and not otherwise insured or guaranteed as provided in paragraphs IV and V of section 4 of this chapter.

412:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 413.

AN ACT RELATING TO DEPOSITS IN SAVINGS BANKS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

413:1 Depositors. Amend RSA 386-A:23 as inserted by 1965, 279:1 by striking out said section and inserting in place thereof the following:
386-A:23 Deposits. A savings bank organized hereunder may accept savings deposits from any person, firm, association or corporation disposed to enjoy the advantages of such bank. Any such bank may classify its holders of interest bearing savings accounts according to the character, amount, duration, volume or regularity of their dealings with the bank, may by bylaw determine the privileges and obligations of each such class of depositors, and, subject to other applicable provisions of law, may divide the net income or profits of deposits, based on such classification, at such reasonable times and in such just manner and proportion and subject to such equitable rules and regulations as the bank may from time to time provide, so long as each depositor shall receive the same rate of interest as all others in his class. The right is reserved to such banks to refuse any sums offered for deposit and to repay deposits. In addition to the powers contained in its bylaws, any such bank may at any time require that up to ninety days' advance notice be given to it by each depositor prior to the withdrawal of any savings deposit or portion thereof; provided that written notice of any such action taken by the bank shall be given immediately to the bank commissioner.

413:2 Application. Amend RSA 386-A:25 as inserted by 1965, 279:1 by striking out said section and inserting in place thereof the following:

386-A:25 Application of Chapter. The foregoing sections of this chapter, with the exception of section 23, shall not apply to savings banks incorporated prior to the effective date of this chapter and nothing contained in this chapter shall be construed to modify their corporate charters nor to affect their respective corporate existences. Section 23 hereof shall apply to all savings banks heretofore incorporated under the laws of this state.

413:3 Repeal. RSA 386:44-53 relative to bonus account deposits and dividends on special accounts are hereby repealed. However, such repeal shall not affect any private rights vested thereunder.

413:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 414.

AN ACT RELATIVE TO REGULATION OF PASSENGER TRAMWAYS AND SKIING AREAS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

414:1 Designation of Trails. Amend RSA 225-A:24, I (supp) as inserted by 1965, 241:2 by striking out said paragraph and inserting in place thereof the following:

I. Base Stations.

A. Designations. A color code is hereby established in accordance with the following:

- (a) Green circle: On area's easiest trails and slopes.
- (b) Black diamond: On area's most difficult trails and slopes.
- (c) Blue square: On area's trails and slopes which fall between the green circle and black diamond designation.
- (d) Yellow triangle with red exclamation point inside with a red band around the triangle: Danger areas.
- (e) Octagonal shape with red border around white interior with a black figure in the shape of a skier inside with a black band running diagonally across the sign from the upper right hand side to the lower left hand side with the word "closed" beneath the emblem: Trail or slope closed.

B. Information to Skiers: A trail board shall be maintained at a prominent location at each area listing that area's network of ski trails and slopes in accordance with the aforementioned color code and containing a key to the code in accordance with the above designations; said trail board shall further designate which ski trails and slopes are open and their condition. The operator shall mark the top of each trail or slope with the appropriate symbol for that particular trail's or slope's degree of difficulty in accordance with (a), (b), (c) of subparagraph A. Those portions of the trails or slopes which are of extra hazardous nature or are closed shall be marked at the top with the appropriate symbol from (d) or (e) of subparagraph A.

414:2: Liability Insurance Requirements. Amend RSA 225-A:26, I (supp) as inserted by 1965, 241:2 and amended by 1969, 220:1 by striking out said paragraph and inserting in place thereof the following: I. Unless an operator is in violation of this chapter or the regulations of the board, which violation is causal of the injury complained of, no action shall lie against any operator by any skier or representative thereof; this prohibition shall not, however, prevent the maintenance of an action against an operator for negligent construction or maintenance of the passenger tramway itself or any building within the area. Each operator of a passenger tramway, as defined by RSA 225-A:2, I (a)-(d) shall maintain liability insurance with limits of not less than one hundred thousand dollars per person per accident and two hundred thousand dollars per accident; each operator of a passenger tramway, as defined by RSA 225-A:2, I (e), (f) shall maintain liability insurance with limits not less than twenty-five thousand dollars per person per accident and fifty thousand dollars per accident. Provided, that operators of passenger tramways not open to the general public, operated without charge to the users thereof, need not maintain said insurance coverage. This exception shall not apply, however, to tramways operated by schools, ski clubs and other similar organizations.

414:3 Limitation of Action. Amend RSA 225-A:26, II (supp) as inserted by 1965, 241:2 by striking out said paragraph and inserting in place thereof the following: II. No action shall be maintained against any operator for injuries to any skier unless the same is commenced within four (4) years from the time of injury provided, however, that as a condition precedent thereof the operator shall be notified by mail within ninety (90) days of said injury as to the alleged violation of this chapter, unless the court finds under the circumstances of the particular case that the operator or one of its employees either had actual knowledge of said injury or had a reasonable opportunity to learn of said injury within said ninety (90) day period, or was otherwise not substantially prejudiced by reason of not having been given actual written notice of said injury within said period; provided that in any case where lack of written notice, actual knowledge, or a reasonable opportunity to obtain knowledge of any injury within said ninety (90) day period is alleged by an operator the burden of proof shall be on the operator to show that it was substantially prejudiced thereby.

414:4 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 415.

AN ACT RELATIVE TO JUNK YARDS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

415:1 Private Persons. Amend RSA 267-A:17 (supp) as inserted by 1967, 372:1 by striking out in lines nine and ten the words "request the

county attorney to take appropriate action” and inserting in place thereof the following (seek appropriate injunctive relief for the enforcement of this chapter in the superior court) so that said section as amended shall read as follows: **267-A:17 Private Persons.** Any person owning real property whose property is directly affected by the site of a junk yard maintained in violation of the provisions of this chapter may in writing addressed to the legislative body request the legislative body to take appropriate action under this chapter. A copy of the written communication to the legislative body shall be mailed to the person complained of. If the legislative body shall not within thirty days thereafter make a determination that a junk yard does exist and issue the appropriate order, such person may, in his own name and in his own right, seek appropriate injunctive relief for the enforcement of this chapter in the superior court.

415:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 416.

AN ACT RELATIVE TO THE EFFECTIVE DATE OF CERTAIN REGULATIONS CONCERNING CHILD-CARING AGENCIES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

416:1 Rules and Regulations. Amend RSA 170:8 as amended by 1961, 222:1 by inserting in line seven after the word “law” the following: (provided, however, that no rule or regulation promulgated pursuant to this section, and affecting child-caring agencies granted a license prior to January 1, 1968, shall become effective before January 1, 1970; provided further that upon application based on hardship, the director of the division of welfare may grant an extension to any such agency until January 1, 1971) so that said section as amended shall read as follows: **170:8 Rules and Regulations.** The director, division of welfare, shall make and establish adequate standards of child care for child-placing agencies and child-caring agencies and shall prescribe suitable rules and regulations to govern the activities of such agencies. Such rules and regulations shall become effective after they shall have been filed in the office of the secretary of state and shall thereupon have the force and effect of law, provided, however, that no rule or regulation promulgated pursuant to this section, and affecting child-caring agencies granted a license prior to January 1, 1968, shall become effective before January 1, 1970; provided further that upon application based on hardship, the director of the division of welfare may grant an extension to any such agency until January 1, 1971.

416:2 Advisory Committee Membership. Amend RSA 170:2-a (supp) as inserted by 1965, 366:3 by inserting in line three after the word “shall” the words (consist of two members of the house of representatives appointed by the speaker, one member of the senate appointed by the president, and such

other members as shall) and by striking out in lines three and four the words "welfare, subject to" and inserting in place thereof the words (welfare with) so that said section as amended shall read as follows: **170:2-a Advisory Committee; Establishment, Duties.** There shall be a day care advisory committee to the state division of welfare which shall consist of two members of the house of representatives appointed by the speaker, one member of the senate appointed by the president, and such other members as shall be appointed by the commissioner of health and welfare with the approval of governor and council. The governor shall designate one member of the committee as chairman. The committee shall include representatives from the department of education, the division of public health, the department of safety, and such additional representatives of professional, civic, labor, or other public and private agencies or organizations concerned with day care. The chief of the bureau of child welfare will be an additional member of the committee. Members of the committee shall receive no per diem but shall be entitled to expenses including mileage when in the performance of duties required by this chapter. The advisory committee shall advise the welfare division on general and specific policies involved in the provision of day care services.

416:3 Effective Date. This act shall take effect July 1, 1969.

[Approved July 2, 1969.]

[Effective date July 1, 1969.]

CHAPTER 417.

AN ACT RELATIVE TO THE FEE PAYABLE BY NONRESIDENT FUR BUYERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

417:1 Fur Buyer Permits. Amend RSA 214:25 by striking out said section and inserting in place thereof the following:

214:25 — Applications; Fees. The applicant whether a resident or non-resident shall fill out and subscribe to a blank to be furnished by the director, and pay therefor a fee of five dollars, and the director shall thereupon issue a fur-buyer's license which shall entitle the licensee to buy and sell, in one county in the state, the furs and skins of fur-bearing animals lawfully taken, and to sell and transport the same, under the restrictions of this title. The director may grant such licenses for more than one county upon the payment of an additional fee of five dollars for each county specified. The director may grant such licenses for the entire state upon the payment of a fee of thirty-five dollars.

417:2 Repeal. RSA 214:27, relative to the purchase of furs by nonresidents is hereby repealed.

417:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 418.

AN ACT TO PERMIT THE PURCHASE OF UNINSURED MOTORIST INSURANCE COVERAGE
WITH LIMITS EQUAL TO LIABILITY INSURANCE COVERAGE.

*Be it Enacted by the Senate and House of Representatives in General Court
convened:*

418:1 Uninsured Motorist Coverage Increased. Amend RSA 268:15-a, I (supp) as inserted by 1967, 284:2 by striking out said paragraph and inserting in place thereof the following: I. No policy shall be issued or delivered in this state, under the provisions of section 15, with respect to a motor vehicle, trailer or semi-trailer registered in this state unless coverage is provided therein or supplemental thereto at least in amounts or limits prescribed for bodily injury or death for a liability policy under this chapter, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles, trailers, or semi-trailers and hit-and-run motor vehicles, trailers or semi-trailers because of bodily injury, sickness or disease, including death resulting therefrom. At the option of the insured, uninsured motorist coverage may be purchased up to the same limits as liability coverage.

418:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 419.

AN ACT TO REPEAL CHARTERS OF CERTAIN CORPORATIONS.

*Be it Enacted by the Senate and House of Representatives in General Court
convened:*

419:1 Charters Repealed. The charter or certificate of incorporation of each of the following named corporations is hereby repealed, revoked and annulled except as otherwise herein specified:

A A Plumbing & Heating, Inc. (Colebrook, 1967)

AAA Machine Co., Inc. (Manchester, 1965)

A-B Well Drilling, Inc. (formerly A B Welldrilling, Inc., Concord, 1949)

ABC of Keene, N. H., Inc. (Keene, 1962)

ABC Stores of Claremont, Inc. (Claremont, 1966)

ABCO Well Drilling Corp. (Tilton, 1967)

A. D. B., Inc. (formerly W. A. Beauchaine & Sons, Inc., Laconia, 1954)

A. D. B. Sales Corporation (formerly Beauchaine Sales Corporation, Laconia, 1961)

A.K.M. Corporation (Manchester, 1966)

A.&R. Enterprises Inc. (Nashua, 1967)

A. R. P. C. O., Inc. (Conway, 1964)

A & W Trust, Inc. (Salem, 1965)

Aaron Steel & Erection Co., Inc. (Portsmouth, 1965)
Able Builders & Enterprises, Inc. (Stoddard, 1964)
Action Advertising Agency, Inc. (Laconia, 1966)
Advanced Business Education, Inc. (Nashua, 1966)
Aid-All Sales Co., Inc. (Nashua, 1948)
Air Ducts, Inc. (Manchester, 1964)
Aircraft Leasing Corporation (Concord, 1962)
Akeson Realty, Inc. (Milford, 1962)
Akins Automotive Supply, Inc. (Derry, 1965)
Aladdin Cleansers, Inc. (Manchester, 1942)
Albee Realty Corporation (Wolfeboro, 1959)
Alexander Casket Co., Inc. (Littleton, 1964)
Algonquin Hotel, Incorporated, The (Manchester, 1950)
Allen, Patty, Studio of the Dance, Inc. (Manchester, 1963)
Allen's Landscaping Co., Inc. (New Boston, 1963)
Allied Erectors, Inc. (Manchester, 1962)
Allied Interiors, Inc. (Candia, 1962)
Alma's Gateway Lodge, Inc. (Wilton, 1959)
Alpha Investments, Inc. (Lancaster, 1965)
Alysyden Corporation (Raymond, 1961)
Ambi Associates, Inc. (Hudson, 1967)
Ambrose Management, Inc. (Concord, 1966)
American Builders, Inc. (Merrimack, 1966)
American Harley Corporation (Union, New Jersey, 1960)
American Land and Development Corporation (Manchester, 1967)
Ames, Roland C., Inc. (Woodsville, 1954)
Ammonoosuc Milling Company, Inc. (Woodsville, 1947)
Amory Worsted Mills, Inc. (Manchester, 1942)
Amoskeag Development Corporation (Manchester, 1962)
Amoskeag-Lawrence Mills, Inc. (formerly Mack Kahn, Inc., Manchester, 1941)
Amoskeag Mills, Inc. (Manchester, 1945)
Amoskeag Shoe Co., Inc. (Manchester, 1957)
Anchor Hotel, Inc. (Seabrook, 1965)
Anchorage Inc., The (Hampton, 1956)
Andmar Corporation (formerly Andmare Corporation, Manchester, 1956)
Androse, Inc. (Lee, 1959)
Annis, Bob, Poultry Co., Inc. (Suncook, 1960)
Antrim Molding Company, Inc. (Antrim, 1956)
Apollo Construction, Inc. (Walpole, 1964)
Applied Resources Company, Inc. (Manchester, 1966)
Aquafrolic, Inc. (Manchester, 1960)
Ashland District Nursing Association (Ashland, 1944)
Ashuelot Paper Company (Winchester, 1932)
Asquam Lake Beach & Ski Club, Inc. (Moultonboro, 1966)
Associated Building Corporation (Londonderry, 1967)
Associated Sales of N. H. Co. Inc. (Manchester, 1966)
Atlantic Furnace & Supply Co., Inc. (Manchester, 1962)
Atlantic Supply, Inc. (North Hampton, 1957)
Auclair's Fuel Oils, Inc. (Somersworth, 1966)

Autocrat, Inc. (Salem, 1965)
Autocrat-Services, Inc. (Salem, 1966)
Automotive Processing Co., Inc. (Raymond, 1966)
Avenue Motor Sales, Inc. (Exeter, 1963)
Azzi Construction Company, Inc. (formerly New England Siding Consultants, Inc., Manchester, 1967)
B & B Associates, Inc. (Peterborough, 1965)
B & B Industries Corporation (Manchester, 1965)
B & J Motors, Inc. (Manchester, 1966)
B. and O. Construction Company, Inc., The (Bedford, 1966)
BRB Construction Co., Inc. (Hinsdale, 1962)
B & S Driving School, Inc. (Wolfeboro, 1966)
Background to America Inc. (formerly Henry G. Neugebauer, Inc., Keene, 1935)
Badger Farms' Creameries, Inc. (Portsmouth, 1966)
Bankers Associates Co., Inc. (Keene, 1965)
Bankers Associates Corporation, Inc. (formerly Hillsborough Finance Company of Claremont, Inc., Keene, 1956)
Barcro, Inc. (Manchester, 1961)
Bardah Company, Inc. (Manchester, 1947)
Barker Enterprises Inc. (Nashua, 1966)
B. L. Baron Supply, Inc. (Berlin, 1966)
Barrett Business Machines, Incorporated (Manchester, 1964)
Barrieau Chrysler-Plymouth, Inc. (Derry, 1966)
Basic Homes, Inc. (Derry, 1961)
Batchelder Land Corporation (Newington, 1957)
Batcheller Tool And Stamping Co., Inc. (formerly United Tool and Stamping Co., Incorporated Claremont, 1946)
Bateman Corporation, The (formerly Camp Sunapee, Inc., New London, 1953)
Battles' Garage, Inc. (Kingston, 1932)
Bay Dredging Corp. (Gilford, 1957)
Beach Motor Bike Rental Corp. (Hampton, 1967)
Beatrice Nursing Home, Inc. (Portsmouth, 1960)
Beaulieu, Roland, Enterprises, Inc. (Somersworth, 1966)
Beef 'n Ale Industries, Inc. (Bartlett, 1967)
Bel-Air Nursing Home, Inc. (formerly Welch's Nursing and Rest Home, Inc., Goffstown, 1963)
Belford Foods, Inc. (Gilford, 1964)
Belknap Investment Corp. (Laconia, 1965)
Bell Building, Inc. (Manchester, 1945)
Benoit Last Remodeling Co., Inc. (Manchester, 1959)
Bergeron, Louis A., Inc. (Keene, 1961)
Berkley Properties, Inc. (Bartlett, 1964)
Berlin Publishing Company, The (Berlin, 1921)
Bernardston Realty Co., Inc. (Manchester, 1967)
Bernie's Food Company, Inc. (Manchester, 1965)
Berry, M. H., Inc. (formerly M. H. Berry Motor Company, Inc., Portsmouth, 1947)
Beston Enterprises, Inc. (Laconia, 1967)
Big Boy Associates, Inc. (Hanover, 1963)

Big J Outlets, Inc. (Rochester, 1966)
Bini, Inc. (Whitefield, 1964)
Bio-Tronics Research, Inc. (New London, 1962)
Black Brook Products Company, Inc. (Laconia, 1954)
Blue Lantern, Inc. (Salem, 1966)
Bly Hill Real Estate Co. Inc. (Newbury, 1963)
Bolduc Brothers, Inc. (Laconia, 1965)
Borsodi Associates, Inc., The (Exeter, 1965)
Bowles Distributing Company Inc. (formerly Batchelder Oil Co., Inc., Newington, 1946)
Bradford Garage, Inc. (Bradford, 1966)
Bradi Auto Sales, Inc. (Nashua, 1966)
Brick Hearth, Inc., The (Newport, 1966)
Bridge Street Center, Inc. (Pelham, 1966)
Brookline Speedway, Inc. (Brookline, 1956)
Brottan, Keric, Inc. (Manchester, 1963)
Buckhorn Realty Corp., Inc. (Bartlett, 1967)
Builders Specialties Company, Inc. (Manchester, 1951)
Builtwell Woodworking Corp. (formerly Built Well Construction Corp., Salem, 1963)
Burbee, W. H., Incorporated (Claremont, 1945)
Burbee's Garage, Incorporated (Claremont, 1945)
Burgess Construction Co., Inc. (Nashua, 1965)
Burroughs, R. P., Corporation (Manchester, 1950)
Business Equipment Company, Inc. (Manchester, 1961)
C & C Super Market, Inc. (Lincoln, 1965)
CEL Sales Distributors, Inc. (Dover, 1967)
C. & G. Building Contractors, Inc. (Manchester, 1961)
C G Club, Inc. (Durham, 1959)
C & M Enterprises, Inc. (Wolfeboro, 1967)
CRLTA Realty Corporation (Pelham, 1963)
C.W.S. Microwave, Inc. (Rindge, 1966)
Cailler's Auto Rentals, Inc. (formerly Cailler's Auto and Camping Rentals, Inc., Concord, 1965)
Camp Samoset, Inc. (Gilford, 1943)
Capitol Cablevision, Inc. (Concord, 1967)
Capitol Products of New England, Inc. (Dover, 1957)
Caristia Enterprises, Inc. (Belmont, 1967)
Carpet Color Corporation (Deerfield, 1965)
Carroll Development Corp. (Nashua, 1962)
Carter Electric, Inc. (Newmarket, 1955)
Cavanaugh, J. W., Motors, Inc. (Manchester, 1965)
Center Spot Players of New Hampshire, Inc. (Exeter, 1962)
Central Lumber Company, Inc. (Loudon, 1955)
Chalet Village of Belknap Mountain, Inc. (Gilford, 1961)
Chanti Corporation (Derry, 1967)
Charles Auto Sales, Inc. (formerly Muntz Auto Sales, Inc., Reeds Ferry, 1963)
Chase Safety Service, Inc. (Shrewsbury, Massachusetts, 1953)
Cheshire County Lake Club, Inc. (Chesterfield, 1966)
Cheshire Glass and Paint Company, Inc. (Keene, 1961)

Chesterfield Realty Corporation (Chesterfield, 1967)
Christian Hollow Land Corporation, Inc. (Walpole, 1966)
Christian Science Society (Pittsfield, 1927)
Christopher Construction Corporation (Derry, 1965)
City Buick, Inc. (Manchester, 1960)
City Cab of Nashua, Inc. (Nashua, 1959)
City News Incorporated (Manchester, 1964)
Clairmont, R. J., & Son, Inc. (Hooksett, 1963)
Clement Aircraft Corporation (Manchester, 1967)
Clifford Construction Co., Inc. (Haverhill, 1960)
Clifton Enterprises, Inc. (Milford, 1966)
Club 93, Inc. (Plymouth, 1963)
Coffee Corner Corporation (Manchester, 1961)
Cogswell L P Gas Inc. (Dover, 1960)
Colby Corporation, The (Laconia, 1964)
Colby Marine Construction, Inc. (Gilford, 1960)
Colebrook Freezer Lockers, Inc. (Colebrook, 1949)
Cole's Marine, Inc. (Sunapee, 1959)
Coll's Poultry Farm, Inc. (Jaffrey, 1954)
Colonial Agency, Inc., The (Laconia, 1962)
Colonial Barber Shop, Inc. (Keene, 1961)
Colonial Court Townhouses, Inc. (Keene, 1963)
Colonial Credit Service Corporation (Goffstown, 1967)
Community Shopping Center, Inc. (Conway, 1950)
Components of N.H., Inc. (Hooksett, 1963)
Concord Asphalt Co., Inc. (Concord, 1965)
Concord Cards Corporation (formerly Workshop Cards Corporation, Concord, 1954)
Continental Builders Corp. (Francestown, 1966)
Continental Concessionaires Inc. (Manchester, 1967)
Contractors Service & Supply, Inc. (Dover, 1966)
Cool-Treat, Inc. (Bedford, 1964)
Corbin Park, Inc. (Stratham, 1964)
Coronis Thrifty Speed Wash, Inc. (Nashua, 1959)
Coulter's Nursing Home, Inc. (formerly The Fairview Nursing Home, Inc., Hudson, 1965)
Country Bible and Book Store (Conway, 1962)
Country Estates, Inc. (Dover, 1954)
Country Smoke House, Inc. (formerly North Country Foods, Inc., Wolfeboro, 1958)
Couture Realty, Inc. (Berlin, 1966)
Couture Trucking, Inc. (Berlin, 1965)
Cow Island Development Corporation (Laconia, 1947)
Crane Mfg. Co. (Lakeport, 1890)
Crawford House Resort, Inc. (Carroll, 1967)
Credit Risk Agency Incorporated (Manchester, 1966)
Crestview Estates, Inc. (Hampton, 1964)
Crestwood Motor Lodge, Inc. (North Conway, 1967)
Cricket Manufacturing Co., Inc. (Nashua, 1963)
Cumberland Farms Northern, Inc. (Portsmouth, 1962)
Cummings, C. C., Inc. (Colebrook, 1956)

Cummings & Schaefer, Inc. (Franklin, 1966)
Cummings, William, Construction, Inc. (Colebrook, 1966)
Cushion, Albert L., Agency, Inc. (Claremont, 1951)
D A N Realty Corporation (Pelham, 1965)
D & D Associates, Inc. (Milford, 1963)
D & D Sales, Inc. (Merrimack, 1966)
D. F. M. Corporation (Greenland, 1967)
D & H Automotive, Inc. (Concord, 1958)
D K Realty, Inc. (Salem, 1963)
D. & L. Country Home Builders, Inc. (Keene, 1967)
D & L Realty Corporation (Manchester, 1963)
D & M Construction, Inc. (Bethlehem, 1966)
Dairy Bowl, Inc. (Peterborough, 1962)
Dalrymple Enterprises, Inc. (Andover, 1965)
Danbury Development Corp., The (Danbury, 1965)
D'Arcy Company, Inc. (Dover, 1947)
Dar-Rik, Inc. (Manchester, 1961)
David Real Estate Co., Inc., The (Concord, 1967)
Davis, John H., Enterprises, Inc. (Penacook, 1964)
Davmarion Livestock Company, Inc. (Lancaster, 1964)
Davss Corporation (Manchester, 1966)
Dawn Fresh Bakery, Inc. (Lakeport, 1966)
Day's Supermarket, Inc. (Manchester, 1957)
Decor of Durham, Inc. (Durham, 1966)
Deep Six, Inc. (Wolfeboro, 1963)
DeMambro Radio Supply Inc. (Manchester, 1946)
Dena of Italy, Inc. (formerly Gina of Italy, Inc., Dover, 1963)
Denor Realty, Inc. (Dover, 1966)
Denver Hastings, Inc. (Durham, 1966)
dePunte, J. B., Inc. (formerly dePunte and Davis, Inc., Nashua, 1945)
DeRocher, G.L., Inc. (formerly Keene Gas Co. Inc., formerly Paul G. Kennett, Inc., Keene, 1950)
Derry Excavating Company, Inc. (Derry, 1964)
Derryfield Estates Development Corporation (Derry, 1965)
Derryhill Corporation (Londonderry, 1962)
Desilvio's Sav-On-Food, Inc. (Nashua, 1966)
Desrochers Pulp, Inc. (Whitefield, 1965)
Diamond Head Real Estate, Inc. (Nashua, 1965)
DiBurro Enterprises, Inc. (Seabrook, 1967)
Dion Brothers, Inc. (Claremont, 1960)
Dionne, A. E., Inc. (Pelham, 1962)
Dole Yarns, Inc. (Allenstown, 1965)
Dominican American Development Corporation (Dover, 1967)
Donna Realty, Inc. (Keene, 1967)
Don's Oil Co., Inc. (Marlboro, 1966)
Don's Texaco Service, Inc. (Manchester, 1966)
Dore's Diner, Inc. (Plymouth, 1963)
Dostilio Realty Company, Inc. (Keene, 1959)
Double R/R Stables, Inc. (Candia, 1964)
Dover Bowl, Inc. (Dover, 1966)
Dublin Inn Restaurant Services, Inc. (Dublin, 1966)

Dubois, R. G., and Son Inc. (Hillsborough, 1966)
Ducharme & Drohan Insurance Agency, Inc. (formerly Ducharme Insurance Agency, Inc., Nashua, 1962)
Dunn, J., & Sons, Inc. (Bedford, 1964)
EAD Realty, Inc. (Dover, 1965)
E-H Well Drilling, Inc. (Errol, 1964)
E. H. J. Realty, Inc. (Nashua, 1965)
Eagle Bowling Lanes, Inc. (Manchester, 1965)
East Concord Woman's Club (East Concord, 1962)
East Derry Medical Center, Inc. (East Derry, 1966)
East Side Beverage Corporation (Manchester, 1955)
Eastern Salvage Corporation (Dover, 1955)
Eastern Slope Enterprises Inc. (North Conway, 1964)
Edelweiss, Inc. (Conway, 1961)
Edgewood Inn, Inc. (New London, 1963)
Eggbasket, Inc., The (Gilmanton, 1962)
Electro-Cooperative Services, Inc. (Keene, 1966)
Elgee Products Company, Inc. (Sanbornville, 1961)
Elkind Brothers, Inc. (Manchester, 1955)
Elliott Brothers Garage, Inc. (Tamworth, 1964)
Elliot Insurance Agency, Inc. (Hampton, 1955)
Elm City Garden Apartments, Inc. (Keene, 1962)
Elsum Corporation (Raymond, 1951)
Emme Footwear Corporation (formerly Emme Sales Corporation, Manchester, 1966)
Epply Corporation, The (Jackson, 1966)
Epsom General Store, Inc. (Epsom, 1966)
Ernco Oil Products, Inc. (Goffstown, 1966)
Ernie's Oil Service, Inc. (Goffstown or Manchester, 1965)
ERSCO Corporation (Berlin, 1964)
Essex Casting Corporation (Derry, 1965)
Eveline's, Inc. (Moultonboro, 1966)
Evergreen Point, Inc. (New London, 1966)
Exerhair, Inc. (Alstead, 1967)
Exeter Auto Body, Inc. (Exeter, 1963)
F & W Rambler, Inc. (Derry, 1963)
Fairway-Palmer Realty Corporation (Manchester, 1967)
Faltin, J. E., Motor Transportation, Inc. (Manchester, 1946)
Farmer and Phelon Company, Inc. (Portsmouth, 1959)
Farmer's Co-operative Trading Association of New Ipswich New Hampshire (New Ipswich, 1929)
Farmington Forest Industries, Inc. (formerly Farmington Industries, Inc., Farmington, 1951)
Fashion Mart, Inc. (formerly The Pariseau Corporation of Nashua, Inc., Nashua, 1965)
Fassler Hampshire Lodge, Inc. (Manchester, 1966)
Faust, Nile E., Motor Company, Inc. (Concord, 1947)
Feather Merchants of America, Inc. (Hampton, 1966)
Federal Home Construction Company, Inc. (Hampton, 1965)
Federated Investigations, Inc. (formerly Federal Business Investigations, Inc., Manchester, 1961)

Fenn Bros., Inc. (Benton, 1966)
Ferreira's, Inc. (formerly Manchester Dry Goods Company, Manchester, 1902)
Finnie, George, Inc. (East Andover, 1965)
First Bristol Investments, Inc. (Bristol, 1965)
Fitzgerald Acres, Inc. (Tilton, 1967)
Fitzwilliam Motor Sales, Inc. (Fitzwilliam, 1966)
Flex-Coat, North-East, Inc. (Derry, 1965)
Flying Circle Ranch, Inc. (Salem, 1961)
Flymaster Sales of N.H., Inc. (Plymouth, 1959)
Fontaine Enterprises, Inc. (Keene, 1966)
Food Town, Inc. (Lancaster, 1960)
Ford Realty Corporation (Peterborough, 1963)
Fornia Enterprises, Inc. (Lisbon, 1965)
Fortescue Construction, Inc. (Nashua, 1953)
Fortin Insurance Agency, Inc. (Greenville, 1960)
Fortin-Small Construction, Inc. (Nashua, 1967)
Fox Auto Parts, Inc. (Keene, 1952)
Fox Point Farms, Inc. (Newington, 1959)
Foxwood Construction Co., Inc. (Franconia, 1966)
Franklin Wholesale Mart, Inc. (West Franklin, 1956)
Fred's Electrical Co., Inc. (Strafford, 1965)
Frosted Glass, Inc., The (Dover, 1965)
G H M Aviation, Inc. (Manchester, 1967)
G and I Realty Corp. (Salem, 1965)
GLM, Inc. (Windham, 1965)
G. M. Machine & Cleaning Service Co., Inc. (Nashua, 1953)
Gallant, J. J., Enterprises, Inc. (Gilmanton, 1965)
Galvin, John J., Inc. (North Hampton, 1967)
Galvin, Ross, Company, Inc. (North Hampton, 1965)
Garceau Corporation, The (Hampton, 1967)
Garland Corporation (Pittsfield, 1963)
Garrett Corporation (Tuftonboro, 1966)
Gate City Office Equipment Co., Inc. (Nashua, 1966)
Gaudette, Paul, Catering, Inc. (Merrimack, 1956)
General Transmissions Corporation (Manchester, 1966)
Genest, R. P., Realty, Inc. (Manchester, 1958)
Gilford Sand & Gravel, Inc. (Gilford, 1966)
Gilman Builders, Inc. (Amherst, 1962)
Girouard's Market, Inc. (Pittsfield, 1960)
Glenbrook Acres, Inc. (Gilford, 1967)
Go Go Den, Inc. (Nashua, 1965)
Goffstown Country Club (Dunbarton, 1963)
Gokap Realty Corp. (Manchester, 1959)
Gold Star Enterprises, Inc. (Nashua, 1966)
Golden Brook Construction Corporation (Pelham, 1956)
Golf Driving Range, Inc. (Westmoreland, 1953)
Golf Products Corporation (Manchester, 1966)
Golfing Unlimited, Inc. (Nashua, 1965)
Golfsares, Inc. (Goffstown, 1960)
Goodwin Construction Company, Inc. (Hampton Falls, 1965)

Goodwin's Dairy, Inc. (Goffstown, 1960)
Goodwin's Fried Clams, Inc. (Hudson, 1962)
Gossville Textile Company, Inc. (Epsom, 1946)
Grafton Lumber Company, Inc. (Woodsville, 1944)
Granite State Associates Inc. (Franklin, 1963)
Granite State Collection Service, Inc. (Concord, 1965)
Granite State Development Corp. (Hooksett, 1963)
Granite Street Auto, Inc. (Manchester, 1966)
Graphic Screens Company, Inc. (Nashua, 1965)
Gravel Trucking, Inc. (Nashua, 1962)
Green Pastures, Inc., The (Dover, 1958)
Greenlaw, Fred W., & Son, Inc. (Dover, 1954)
Greer Enterprises, Inc. (Laconia, 1966)
Grenier Field Aero Club (Manchester, 1956)
Grew Corporation (Salem, 1959)
Grocarr, Incorporated (Farmington, 1959)
Gull-Air, Inc. (Newfields, 1967)
H.B.L. Tire Co., Inc. (Marlboro, 1956)
HE & L, Inc. (Nashua, 1965)
H & G Auto Sales, Inc. (Alstead, 1966)
H & L Const. Co., Inc. (Manchester, 1965)
H & L Leasing, Inc. (Manchester, 1965)
H & M Realty, Inc. (Derry, 1964)
Hackwell Lumber Co., Inc. (formerly New Hampshire Lumber Operating Co., Inc., Newport, 1942)
Hall, Norman J., Builder Inc. (Merrimack, 1966)
Hammond Motor Co., Inc. (Lebanon, 1954)
Hampscot, Incorporated (Nashua, 1962)
Hampshire Hills Farms Co. (Wilton, 1938)
Hampshire Lodge, Incorporated (Jackson, 1960)
Hampton Country Day School, Inc. (Hampton, 1966)
Hampton Tire Co., Inc. (Hampton, 1965)
Hanover Associates, Incorporated (Hanover, 1959)
Hanover Enterprises, Inc. (Hanover, 1962)
Hanson-Rock, Inc. (Hampton, 1966)
Hardware Store, Inc. (North Conway, 1958)
Hat Records, Inc. (Keene, 1962)
Hatch Dairy, Inc., The (Plymouth, 1966)
Haverhill Block & Gravel Company, Inc. (Haverhill, 1966)
Haverhill Land Corp. (Haverhill, 1963)
HaVerMass Chicks Company, Inc. (Kingston, 1961)
Hawaiian Terrace Restaurant, Inc. (Seabrook, 1966)
Hawthorne Inn & Motor Lodge, Inc. (Jackson, 1966)
Hayward & Mowry, Inc. (Manchester, 1947)
Heatcraft Corp. (Manchester, 1965)
Heine, E. E., Corporation (New Ipswich, 1965)
Henderson, Arthur M., Plumbing and Heating, Inc. (Portsmouth, 1966)
Hendrix-Wade Corporation (Milford, 1957)
Hi-Way Lanes, Inc. (Laconia, 1961)
High Frequency Equipment Corporation (formerly Radio Frequency, Corp., formerly Concord R F Corp., Concord, 1945)

Highland Lake Shores, Inc. (Washington, 1955)
Hillcrest Drive In, Inc. (Henniker, 1961)
Hillsborough Insurance Agency, Inc. (formerly Amoskeag Insurance Agency, Inc., formerly Rufus D. King Insurance Agency, Inc., Manchester, 1956)
Hillsborough Investment Corporation (Manchester, 1952)
Hillside Lumber, Incorporated (Wolfeboro, 1966)
Hillwinds Nashua Corporation, The (Nashua, 1967)
Hobby Realty, Inc. (Manchester, 1965)
Hogg News Agency, Inc. (Manchester, 1962)
Holmes and Smith, Inc. (Moultonboro, 1966)
Home of Tomorrow Parties Incorporated (Greenfield, 1965)
Honest John's Used Hoss Lot, Inc. (Belmont, 1966)
Hooksett Box Repair, Inc. (Hooksett, 1956)
Hot Toppers, Inc. (Reeds Ferry, 1966)
Houle and Sons, Inc. (Nashua, 1966)
Hounsell Investment-Management Co. Inc. (Laconia, 1961)
Hudson Hardware, Inc. (Hudson, 1966)
Hyder & Kalil, Inc. (Rochester, 1947)
ICD Systems, Inc. (Plymouth, 1967)
Imaging Systems, Inc. (Nashua, 1964)
Import Motors, Inc. (Portsmouth, 1964)
Independent Taxi Owner Association, Inc. (Nashua, 1966)
Indian Mound Corporation (Ossipee, 1965)
Infinity, Inc. (Newmarket, 1967)
International Diversified Investments Corporation (North Hampton, 1966)
International Enterprises, Inc. (Manchester, 1966)
International Pipe and Fitting Corporation (Concord, 1967)
Intervale Highlands, Inc. (formerly Thorn Mountain Realty, Corp., Jackson, 1965)
Island Sales Corporation (Gilford, 1965)
J & E Builders, Inc. (Ossipee, 1966)
J & G Corporation (Derry, 1965)
JLN Corporation (Stoddard, 1966)
J & M Service, Inc. (Keene, 1965)
Jaffrey Woodworking, Inc. (Jaffrey, 1964)
Janus Bonding Corp. (formerly Bond-Tex Corp., Enfield, 1966)
Jennison, A. N., Associates, Inc. (Keene, 1959)
Joel, Inc. (Keene, 1961)
Joe's Delicatessen Inc. (Portsmouth, 1961)
John's Supermarket, Inc. (Manchester, 1961)
Johnson, C. F., and Son, Inc. (Newton, 1964)
Johnson, W. Warren, Inc. (Charlestown, 1959)
Joy-Mac Enterprises, Inc. (Dover, 1959)
Joy, Stanley G., Inc. (Somersworth, 1965)
Joy Travel Agency, Incorporated (Manchester, 1962)
Judson Engineering Corporation (Concord, 1956)
Kalil & Ryan, Inc. (Rochester, 1957)
Kapa, Inc. (Dover, 1966)
Karen Textile Printing, Inc. (Manchester, 1963)

Kasco, Corp. (Keene, 1966)
Kea Corporation (New London, 1964)
Kearsage Mountain Homes, Inc. (Laconia, 1961)
Kearsarge Valley Realty Corporation (Sutton, 1964)
Keene Big Boy, Inc. (Keene, 1963)
Keene Finance Company, Inc. (formerly Hillsborough Finance Company of Keene, Inc., formerly Hillsborough Finance Company of Jaffrey, Inc., Keene, 1955)
Keene Motor Mart, Inc. (Keene, 1964)
Keith-White Motors Inc. (New London, 1959)
Keller-Donatella Enterprises, Inc. (So. Sutton, 1966)
Ken-La Farms, Inc. Claremont, 1963)
Kennedy Enterprises, Inc. (Salem, 1964)
Kennedy's of New England, Inc. (Hampton, 1966)
Kennedy's Restaurant, Inc. (Hampton Beach, 1959)
Ken's Auto Sales & Service, Inc. (West Stewartstown, 1964)
Kessler, Fred, Swift Homes, Inc. (Chesterfield, 1967)
Ketic Associates, Inc. (Manchester, 1966)
Kilkenny Restaurant, Inc. (formerly Hicks Restaurant & Grill, Inc., Lancaster, 1960)
Kingston Builders, Inc. (Kingston, 1965)
Kingston Outboard Corp. (Kingston, 1960)
Kingstown Woodworking, Inc. (Kingston, 1965)
Kinney, Dick, Inc. (Nashua, 1958)
Kleen-Shirt Rental Service, Inc. (Milford, 1966)
Knight's Garage, Inc. (Durham, 1967)
Kreidberg's, Barbara, Fashion Discounts of Nashua, Inc. (Nashua, 1967)
Lab Service, Inc. (Nashua, 1959)
Laconia Brass and Aluminum Foundry, Inc. (formerly Laconia Brass Foundry, Inc., Laconia, 1959)
Laconia Garage Co., Inc. (Laconia, 1935)
Laconia Motor Sales, Inc. (Laconia, 1947)
Ladd, William E. Insurance, Inc. (Hampton, 1966)
Lafayette Chartrain, Inc. (Manchester, 1966)
Laflammas Homelyke Bakery, Inc. (Laconia, 1955)
Lake Sunapee Theatre Corporation, The (George's Mills, 1966)
Lakeport Machine Works, Inc. (Laconia, 1956)
Lamb, Bernard R., Incorporated (formerly Hancock's Electric Service, Inc., Concord, 1958)
Lancaster Development Corporation (Lancaster, 1962)
Lancaster Development Land Corporation (Lancaster, 1963)
Lane Buckets, Inc. (Keene, 1964)
Laverdiere Nursing Home, Inc. (Manchester, 1963)
Leavitt Stores Corporation of New Hampshire (Manchester, 1956)
LeBlanc and Croteau Inc. (Derry, 1966)
Ledoux Bros. Const., Inc. (Nashua, 1964)
Leisure Homes. Inc. (formerly Rockwood Lake, Inc., New Ipswich, 1962)
Leisuretime, Inc. (Manchester, 1959)
Lessard's Cabinet Shop, Inc. (Berlin, 1966)

Lica, Inc. (Keene, 1961)
Lincoln Sales Co., Inc. (Nashua, 1964)
Linen Sales Company, Inc. (Dover, 1962)
Lisbon Sand & Gravel Co., Inc. (Lisbon, 1965)
Lite-Tron, W. G. Inc. (Keene, 1966)
Little, W. H. & Son, Inc. (Hampton, 1966)
Littleton Paving Co., Inc. (Littleton, 1964)
Littleton Sand & Gravel Company, Inc. (Littleton, 1949)
Littleton Tanning Co., Inc. (Littleton, 1966)
Lobank Marine Company, Inc., The (Merrimack, 1954)
Lobster Lounge, Inc. (Belmont, 1964)
Local Collections, Incorporated (Wilton, 1966)
Loch Haven Motor Inn & Motor Court, Inc. (Meredith, 1964)
Locke Manufacturing Co. Inc. (Nashua, 1951)
Lou's Cab Company, Inc. (Nashua, 1966)
Lumbertown-Meredith, Inc. (Concord, 1967)
Lumbertown-Milford, Inc. (Concord, 1967)
Lumbertown-Nashua, Inc. (Nashua, 1967)
Lyndover School, Inc. (East Andover, 1964)
McCown Motor Motels, Inc. (Manchester, 1960)
McDermott Corp. (Windham, 1967)
McInnis Leasing Corporation (Nashua, 1966)
McLane & Taylor Corporation (Manchester, 1949)
McLane & Taylor, Inc. (Manchester, 1946)
McNally's Grocery, Inc. (Hinsdale, 1964)
M F G Inc. (Nashua, 1962)
M & N Corp. (Dover, 1958)
M. & R. Builders, Inc. (Wilton, 1963)
Madbury Materials Corporation (Madbury, 1965)
Made-Rite Products Co., Inc. (Manchester, 1958)
Madison Shores, Inc. (Madison, 1964)
Magnolia Aviation Corp. (Manchester, 1965)
Maha, Corp. (formerly Monadnock Animal Health Association, Inc., Jaffrey, 1964)
Main Street Used Parts, Inc. (Keene, 1964)
Major Realty Corporation (Manchester, 1964)
Man Electronics Corporation (Jaffrey, 1964)
Man-Bur Sales, Inc. (Manchester, 1958)
Manchester Free Press, Incorporated (Manchester, 1962)
Manchester Junior College Club, Incorporated (Manchester, 1962)
Manchester Medical Associates, Inc. (Manchester, 1965)
Manchester Medical Center, Incorporated (Manchester, 1954)
Manchester Mortgage Corp. (Manchester, 1964)
Maple Associates, Inc. (Nashua, 1964)
Maplehurst Inn, Inc. (Antrim, 1956)
Marajon Realty, Inc. (Keene, 1966)
March Realty Corporation (Manchester, 1956)
Mardana Corporation (Lyme, 1965)
Marketing and Research Company, Inc. (Manchester, 1966)
Marks-Savage Inc. (Manchester, 1964)
MarMar, Inc. (Manchester, 1961)

Marshall Real Estate Corporation (Moultonboro, 1959)
Marwal, Inc. (Merrimack, 1967)
Marycliffe, Inc., The (Hampton Beach, 1961)
Mascoma Enterprises, Inc. (Enfield, 1964)
Maurice Insurance Agency, Inc. (Nashua, 1965)
May's Food Store, Inc. (Keene, 1956)
Meatman, Inc., The (Hampton, 1965)
Medallion Estates, Inc. (Nashua, 1966)
Medallion Realty, Inc. (Nashua, 1967)
Medik, Inc. (Franklin, 1965)
Mel-Mic Builders, Inc. (Hudson, 1964)
Melody Island Associates, Inc. (Wolfeboro, 1961)
Melvin Properties, Inc. (Tuftonboro, 1956)
Meredith I. G. A. Store, Inc. (Meredith, 1964)
Metropolitan Construction Co., Inc. (Dover, 1963)
Mid Town Auto Sales, Inc. (Tilton, 1965)
Milford Cooperative Holding Company, Inc., The (Milford, 1941)
Milford Shopping Center, Inc. (Nashua, 1962)
Millyard Realty Corporation (Nashua, 1954)
Minaselli, Charles S., & Sons, Inc. (Seabrook, 1964)
Mines Falls Development Corporation (Nashua, 1954)
Minit Saver Markets, Inc. (Portsmouth, 1966)
Mr. Lee Motor Sales, Inc. (Manchester, 1961)
Mittersill Chair Lift Corporation (Franconia, 1966)
Montclare Shoes, Inc. (Claremont, 1961)
Moore & Berry, Inc. (Milford, 1923)
Moore & Emerson Bottled Gas Company, Inc. (Newport, 1948)
Moore and Preston Coal and Ice Company (formerly Moore & Preston Coal Company, Manchester, 1903)
Moore's Enterprises, Inc. (Dover, 1966)
Morris, Paul, Consumers Wholesaler, Inc. (Manchester, 1965)
Morrissey, Thomas J., Inc. (Dover, 1966)
Mt. Kilburn Nursing Home, Inc. (Walpole, 1965)
Mudge & Hodgdon, Inc. (Goffstown, 1963)
Murray, H. C., Company, Inc. (Willimantic, Connecticut, 1965)
Murtagh, Inc. (Rochester, 1967)
Music Productions, Inc. (Manchester, 1967)
My Bookkeeper, Incorporated (Plymouth, 1951)
My-On Motors, Inc. (Manchester, 1965)
Nails-Lumber, Inc. (Nashua, 1966)
Nashua Colts Football Association, Inc. (Concord, 1966)
Nashua Finishing Co., Inc. (Nashua, 1954)
Nashua Maple Leafs, Inc. (Nashua, 1967)
Nashua Septic Tank Co., Inc. (Nashua, 1963)
National Budget Company, Inc. (Manchester, 1965)
National Excavating, Inc. (Nashua, 1967)
Nationwide Builders Inc. (Manchester, 1967)
Nay Corporation, The (Manchester, 1962)
Nedia Realty Inc. (Wolfeboro, 1964)
Neopala, Inc. (Moultonboro, 1957)
New England Enterprises, Inc. (Merrimack, 1963)

- New England Laboratories, Inc. (Durham, 1954)
New England Marine and Camping Center, Inc. (Hooksett, 1965)
New England Music Company, Inc. (Concord, 1953)
New England Profile Homes, Inc. (Manchester, 1965)
New England Standardbred Breeders Association, Inc. (Manchester, 1959)
New England Traditionals, Inc. (Amherst, 1967)
New Hampshire Bark Mulch Company, Inc. (Hollis, 1967)
New Hampshire Chapter, American Society of Chartered Life Underwriters, Inc. (Keene, 1960)
New Hampshire Dairy Corporation (Manchester, 1966)
New Hampshire Forest Development Association, Inc. (Concord, 1964)
New Hampshire Hide Corporation (Franklin, 1950)
N. H. Plan, Inc. (Lee, 1961)
N. H. Pre-Mix Concrete, Inc. (Merrimack, 1964)
N. H. Records, Inc. (Keene, 1962)
New Hampshire Security Patrol Inc. (Manchester, 1967)
New Hampshire Taxpayers Federation (formerly New Hampshire Federation of Taxpayers' Associations, Inc. (Concord, 1939)
N. H. Yacht Charters, Inc. (Laconia, 1962)
New Idea Shoe Trimming Co., Inc. (Manchester, 1947)
New Way Construction Co., Inc. (Rindge, 1967)
Newfound Sunoco Service, Inc. (Bristol, 1964)
Newing Corp. (Concord, 1966)
Newmarket Hotel Corporation (Newmarket, 1946)
Newport Dairy, Inc. (Newport, 1947)
Nordic Industries Corp. (formerly Youngstown Industries Corp., Claremont, 1965)
North Conway Development Corporation (North Conway, 1957)
North Country Advertising, Inc. (Berlin, 1967)
North Country Builders, Inc. (Epsom, 1965)
North Country Supply Corporation (Franconia, 1963)
North Country Water Wells, Inc. (Errol, 1967)
Northeast Associates, Inc. (New London, 1963)
Northeast Personnel, Inc. (Salem, 1967)
Northeastern Engineering, Inc. (Manchester, 1965)
Northern Construction Co., Inc. (Plaistow, 1967)
Northern Flying and Marine Service, Inc. (Groveton, 1959)
Northern Salvage, Inc. (Rochester, 1967)
Northern Telecommunication Laboratories, Inc. (Dover, 1966)
Northway Motor Sales, Inc. (North Conway, 1962)
Noyes Heating Co., Inc. (Pittsfield, 1956)
Oakland Park, Inc. (Nashua, 1963)
Oakes Sales, Inc. (Claremont, 1961)
Oilmen's Equipment Co., Inc. (Manchester, 1965)
Old Forge Restaurant, Inc., The (Rindge, 1963)
Olivier Realty, Inc. (Berlin, 1959)
Omni-Camp, Inc. (Barnstead, 1964)
One Hour Martinizing of N. H., Inc. (Manchester, 1960)
Osborne's Colorvision Center, Inc. (Manchester, 1966)
Osborne's Television Service Co., Inc. (Manchester, 1961)

Outercom of New Hampshire, Inc. (Nashua, 1962)
P & R Construction Co., Inc. (Rochester, 1962)
P S West Lebanon, Inc. (formerly Orpal's, Inc., West Lebanon, 1967)
P. W. R. Co., Inc. (Manchester, 1966)
Pan-American Tropical Hardwoods Corporation (Newport, 1964)
Paradis Lumber, Inc. (Rochester, 1962)
Parkview Fashion Shoppe, Inc. (Salem, 1963)
Parkway Plaza, Inc. (Plymouth, 1965)
Parmenter Construction, Inc. (Henniker, 1966)
Parsons, Friedmann & Central of New Hampshire, Inc. (North Conway, 1967)
Patriot Realty Company, Inc. (Concord, 1961)
Pawnell Bros. Roofing Co., Inc. (Dover, 1956)
Peabody Heel Co., Inc. (Dover, 1929)
Pease Motor Sales Inc. (Plymouth, 1941)
Peek, B. Franklin, Inc. (Portsmouth, 1960)
Pelham Builders, Inc. (Pelham, 1964)
Pelham Pet Supply, Inc. (Pelham, 1967)
Pembroke Capon Co. Inc. (Pembroke, 1953)
Pembroke Marine, Inc. (Allentown, 1961)
Penacook Realty Corporation (Penacook, 1949)
Penney Lodge, Inc. (Hebron, 1966)
Pennock Appliances, Inc. (Berlin, 1959)
Peter's Pence Adjustments, Inc. (formerly Merrimack Valley Adjustment Bureau, Inc., Manchester, 1964)
Petit Corp. (Wakefield, 1962)
Philip Sales Corporation (Manchester, 1964)
Pied Piper Restaurant & Motor Court, Inc. (Thornton, 1963)
Pilgrim Industries, Inc. (Dublin, 1965)
Pilgrim Research & Development Corporation (Salem, 1965)
Pippin Ford Sales, Inc. (Claremont, 1966)
Pittsfield Bowling Plaza Corporation (Pittsfield, 1963)
Pittsfield Industries, Inc. (Pittsfield, 1950)
Plain and Fancy Country Store, Inc. (Milford, 1966)
Plankey & Snow Construction Co., Inc. (Bristol, 1965)
Planter, Inc., The (Concord, 1968)
Plaza Theatre, Inc. (Derry, 1941)
Pleasant Meadows, Inc. (New London, 1964)
Plush Horse Designs, Inc. (Epsom, 1965)
Poly Products, Inc. (Conway, 1965)
Pomerleau, A. R. Company, Inc. (Hampton, 1964)
Pop's Cab, Inc. (Hudson, 1965)
Porter Auto Sales, Inc. (Berlin, 1966)
Portland Dowel Co., Inc. (Center Ossipee, 1939)
Portsmouth Shipping Corporation (Portsmouth, 1965)
Potter-Grava, Inc. (Seabrook, 1967)
Poultry Raisers Inc. (Goffstown, 1955)
Presidential Airlines, Inc. (Boscawen, 1965)
Prince's Inc. (Bristol, 1946)
Professional Building, Inc. (Manchester, 1954)
Profile Investment Corporation (Concord, 1965)

Profile Realty Corporation (Bow, 1962)
Progress Electric, Inc. (Derry, 1965)
Prolyn Corporation (Pelham, 1967)
Provencher Construction Co., Inc. (Manchester, 1948)
Puddin' Holler, Inc. (East Swanzey, 1957)
Quakers Grove Construction Corp. (Newton, 1967)
Quartz, Inc. (Manchester, 1963)
Quinby, Dr. Robert S., Memorial Foundation (Sandwich, 1954)
Quincy Hummers Realty Corp. (Bartlett, 1966)
RER Drug, Inc. (Nashua, 1967)
R.E.V.S., Inc. (Greenland, 1966)
R. G. Radio, Inc. (Manchester, 1963)
R I C, Inc. (Lee, 1959)
R and J Enterprises, Inc. (Nashua, 1966)
R. K. R. Corp. (Manchester, 1964)
R. & L. Waste Products, Inc. (Swanzey, 1967)
R M & L Realty Co., Inc. (Nashua, 1967)
R & R Kitchen Cabinets, Inc. (Manchester, 1963)
Raceway Restaurant, Inc. (Hinsdale, 1964)
Rainbow Sportswear Co., Inc. (Manchester, 1965)
Raizes Realty Corporation (Rochester, 1964)
Rand, George W., and Son, Inc. (Hanover, 1963)
Ray and Lou Barbecue Restaurant, Inc. (Berlin, 1966)
Raybar Motors, Inc. (Franconia, 1963)
Raymond Industrial Associates (Raymond, 1934)
Recreation Spa, Inc. (formerly Recreation Spa & Music, Inc., Manchester, 1954)
Regina's Fashion Tress, Inc. (Manchester, 1967)
Reliable Finance Company of N. H., Inc. (Manchester, 1964)
Reliable Reconditioning Company, Inc. (Manchester, 1965)
Remle, Inc. (Laconia, 1967)
Resonance Company, Inc. (Greenville, 1964)
Resort Properties, Inc. (Laconia, 1965)
Reva International Ltd., Inc. (Nashua, 1964)
Richards Foods, Inc. (Dover, 1962)
Rigazio, J., Inc. (Rochester, 1962)
Rindge Manor Lake Shores, Inc. (Rindge, 1959)
Rines, Fairfield, Rines, Inc. (Ossipee, 1965)
Riverdale Nursing Home for Alcoholics, Inc. (Peterborough, 1963)
Riverside International Speedway, Inc. (Lebanon, 1964)
Robichaud Funeral Home of Laconia, Inc. (Laconia, 1962)
Robidoux and Bonyman, Inc. (Pelham, 1966)
Robin Hood, Inc. (Concord, 1966)
Robitaille, Incorporated (Manchester, 1967)
Rochester Chrysler-Plymouth, Inc. (Rochester, 1961)
Rochester Motor Sales, Inc. (Rochester, 1964)
Rochester Music Corp. (formerly Bob-Lad Corporation, formerly Dover Speed Wash, Inc., Rochester, 1960)
Rockingham Associates, Inc. (Fremont, 1961)
Rockingham Building Supply Corporation (Salem, 1965)
Rogers, S. J., Construction, Inc. (Wolfeboro, 1965)

Rojonda Associates, Inc. (Manchester, 1967)
Ronnie's Auto Body, Inc. (Hampton, 1966)
Roosa Co., Inc., The (Swanzey, 1966)
Rosenfield Lumber Company, Inc. (formerly Grafton Woodworking Co., Inc., formerly Lisbon Land Company, Inc., Woodsville, 1945)
Rosengard-Hale Furniture Mfg. Co., Inc. (Brentwood, 1959)
Rouleau Lumber Co., Inc. (Colebrook, 1966)
Route 93 Estates Inc. (Nashua, 1965)
Rowe, C. W., Inc. (Henniker, 1951)
Roy Buick - Pontiac, Inc. (Rochester, 1962)
Rumery Realty, Inc. (Plaistow, 1964)
Rumford Realty Company (Concord, 1942)
Rushwell International Corp. (Hollis, 1965)
Ryan's Moving and Storage, Inc. (Portsmouth, 1965)
Rye Harbor Lobster Co., Inc. (Rye Beach, 1966)
Rye Manufacturing Co., Inc. (Rye, 1947)
S & E Corp. (Exeter, 1966)
SGT of New Hampshire, Inc. (Concord, 1967)
SPD Realty Corporation (Concord, 1960)
Sagamore Grove Tool Rental, Inc. (Portsmouth, 1965)
Salem Beefburger, Inc. (Nashua, 1963)
Salem Cycle Center, Inc. (Salem, 1967)
Salem Gas Company, Incorporated (Salem, 1966)
Saran Realty Corporation (Newbury, 1964)
Saranac Glove Company, Inc. (Littleton, 1963)
Saturley's, Inc. (Epsom, 1958)
Scania Distributors, Inc. (Manchester, 1960)
Scarborough Enterprises, Inc. (Keene, 1966)
Scenic, Inc. (Keene, 1931)
Scenic Lakes Estates, Inc. (Nelson, 1964)
School Advertiser Inc., The (Exeter, 1965)
Scientific Electronics Group, Inc. (Lee, 1966)
Scotim, Inc. (Merrimack, 1961)
Scripps-Reno Company, Inc. (Concord, 1959)
Seabrook Construction Co., Inc. (Seabrook, 1965)
Seabrook Motel Corporation (Seabrook, 1964)
Seabrook Realty, Inc. (Seabrook, 1966)
Seacoast Metal Works, Inc. (Portsmouth, 1966)
Seacoast Trucking & Moving, Inc. (Portsmouth, 1966)
Searles Rental Corp. (Nashua, 1964)
Sees Wholesalers, Inc. (Manchester, 1965)
Service Enterprises, Inc. (Manchester, 1966)
Service Outlets, Inc. (Portsmouth, 1967)
Shady Acres Riding Academy, Inc. (Rye, 1967)
Sheehan, Paul E. Corporation, The (Nashua, 1966)
Shelburne Industries Inc. (Manchester, 1967)
Shepard, Harry K. of N. H., Inc. (Keene, 1966)
Sheraton Restaurant, Inc., The (Berlin, 1950)
Shrewsbury Patent, Inc. (Stratham, 1966)
Shu-Conditioner, Inc. (Hampton, 1954)
Shugah Vale, Inc. (Claremont, 1966)

Silsby & Johnson, Inc. (Newport, 1942)
Silver Shop, Inc. (Nashua, 1966)
Six Acres Lounge, Inc. (Manchester, 1966)
Six Acres Steak House and Lounge, Inc. (Manchester, 1967)
Skala Restaurant, Inc. (Brookline, 1964)
Sleeper Island Corporation (Wolfeboro, 1962)
Smackie Foods Co., Inc. (Nashua, 1966)
Smith & Dow Realty, Inc. (Manchester, 1951)
Snack Distributors, Inc. (Manchester, 1966)
Snowbird Corporation (Concord, 1963)
Snow White Broilers, Inc. (Jaffrey, 1954)
Soft 'N Mello Shoes, Inc. (Somersworth, 1961)
Somersworth Industrial Progress Co., Inc. (Somersworth, 1967)
Sonning Development Corporation (Newton, 1967)
Souhegan Distributors, Inc. (Merrimack, 1967)
Souhegan Investment Co., Inc. (Wilton, 1961)
Spaulding Metal Works, Inc. (Nashua, 1945)
Specialty Knitwear, Inc. (New London, 1964)
Speedi-Subs, Inc. (Hudson, 1965)
Spicket Hill Ski Area, Inc. (Salem, 1961)
Spinco, Inc. (Dover, 1961)
Spotless Cleaners, Dyers, & Launderers, Inc. (Manchester, 1950)
Spreadall Corporation, The (Derry, 1965)
Springer's, Inc. (Dover, 1962)
Stancal Corporation (Nashua, 1966)
Standard Associates, Inc. (Wolfeboro, 1967)
Stanley's, Inc. (Manchester, 1955)
State Line Development Corporation (Fitzwilliam, 1964)
Steinmeisters Realty Corp. (Jackson, 1965)
Stevenson, Inc. (Wolfeboro, 1956)
Stewart Plumbing & Heating Corp. (Manchester, 1966)
Stoudt Realty, Inc. (Manchester, 1962)
Strafford Mines, Inc. (Bristol, 1950)
Strato Corporation (Hampton, 1967)
Stuart Construction Co., Inc. (Walpole, 1966)
Studio 5, Inc. (Hanover, 1967)
Sugar Ball Press, Inc., The (Concord, 1955)
Sullivan Motors, Inc. (Hampton, 1965)
Suncook Mills, Inc. (Allenstown, 1962)
Sunset Acres of Rochester, Inc. (Rochester, 1964)
Sunset Hill Riding Academy, Inc. (Manchester, 1963)
Swain's Lake Park, Inc. (Somersworth, 1963)
Swallow Point Corporation (Moultonboro, 1956)
Swimming Pools of New Hampshire, Inc. (Laconia, 1958)
Swiss Realty Corporation (Franconia, 1966)
Sydney's, Inc. (formerly Youth Center, Inc., formerly Sidney Levin, Inc., Manchester, 1947)
T D & F Associates, Inc. (Derry, 1965)
T. M. C., Inc. (formerly Thompson Manufacturing Company, Inc., formerly Thompson Manufacturing Company, Lancaster, 1892)
Talbot Auto Sales, Inc. (Alstead, 1965)

- Talent, Robert, & Son, Inc. (Litchfield, 1956)
Tavern Fuel Corp. (formerly J. T. Flynn Distributing Co., Inc., Bos-
cawen, 1960)
Tavern Oil Company, Inc. (Penacook, 1953)
Tavern Weavers, Inc. (Gilmanton, 1946)
Taylor's Homestead, Inc. (Exeter, 1966)
Telon TV and Radio Service, Inc. (Lebanon, 1967)
Tenney Distributing Corporation (Concord, 1958)
Tereco Inc. (Manchester, 1963)
Test Equipment Engineering Corporation (Pelham, 1962)
Thomas Insurance Agency, Inc. (Manchester, 1961)
Thornton & Conway Corporation (Manchester, 1967)
Tic Toc Dry Cleaners, Inc. (Salem, 1963)
Tilton Construction Co., Inc. (Tilton, 1947)
Tilton Inn, Inc. (Tilton, 1958)
Tom Thumb, Inc. (Manchester, 1965)
Tonawandah, Inc. (New London, 1964)
Trading Post Motors, Corp. (Salem, 1967)
Transco Service, Inc. (Portsmouth, 1962)
Trenholm, E. V., Inc. (Hampton, 1965)
Trewald Orchards, Inc. (Canaan, 1959)
Tri-Umphant Chinchilla Ranch, Inc. (Pelham, 1967)
Turcotte Hardware Corporation (Newmarket, 1954)
Twin-Town Enterprises, Inc. (Tilton, 1954)
Ultra-Modern Corporation (Rochester, 1965)
United States Land & Development Corporation (Laconia, 1966)
V I P, Inc. (Dover, 1958)
Vachon Lumber Co., Inc. (Dummer, 1967)
Vail Realty, Incorporated (Ashland, 1966)
Vaillancourt's Super Market, Inc. (formerly Vaillancourt's Cash Market,
Inc., Berlin, 1953)
Val Construction, Inc. (Manchester, 1955)
Valet Cleaners & Dyers, Inc. (Manchester, 1955)
Valley Improvement Associates, Inc. (Woodstock, 1965)
Valley Shores Family Club, Inc. (Laconia, 1966)
Valley Stable, Inc. (Franconia, 1967)
Varney, Fred M., Laundry, Inc. (formerly Hale and Varney Laundry,
Inc., Dover, 1957)
Vend-Air Corporation (Salem, 1965)
Veno, Norman, Motor Sales, Inc. (Somersworth, 1966)
Village Colonials of New Hampshire, Inc. (Concord, 1965)
Village Launderers and Dry Cleaners, Inc. (Meredith, 1965)
Villager Inc., The (Wolfeboro, 1967)
Vincent, George L., Inc. (Exeter, 1967)
Vincent's, Jerry, Motor Service, Inc. (Wilton, 1958)
Vittum, H. A., Inc. (Center Harbor, 1964)
Wadleigh Marine, Inc. (Tilton, 1966)
Walker Construction Co., Inc. (Dublin, 1964)
Walker Transport Corporation (Dublin, 1966)
Walmyr Realty Corporation, The (Manchester, 1967)
Ware Knitters of New Hampshire, Inc. (Concord, 1946)

Warner Funeral Chapel, Inc. (formerly Cutting Funeral Chapel, Inc., Warner, 1952)
Warrior Ranch Riding Academy, Inc. (Windham, 1965)
Watase, F. H., Inc. (Rollinsford, 1964)
Waterville Inn, Incorporated (Waterville, 1955)
Waterville Valley Lift Corporation (Waterville, 1952)
Waukegan Realty Corp. (Meredith, 1962)
Waumbek, Inc., The (Jefferson, 1963)
Waverly Insurance Agency, Inc. (Hampton, 1962)
Webster Construction Company, Inc. (Webster, 1963)
Weigler Brothers, Inc. (Manchester, 1956)
West Pearl Shoe Repair, Inc. (Nashua, 1967)
Wheeler Trucking, Inc. (Hudson, 1966)
Whelton, Russa and Associates, Inc. (Nashua, 1966)
Whitcomb, D. C., Inc. (Keene, 1964)
White, Al, Rambler, Inc. (Derry, 1966)
Whitefield Realty, Inc. (Whitefield, 1966)
Whites Variety Inc. (Hampton Beach, 1962)
William's Mens and Boys Wear, Incorporated (Concord, 1960)
Williams Motors, Inc. (Littleton, 1965)
Wilson, R. H. Construction Corporation (Jaffrey, 1966)
Winchester Reel Company, Incorporated, The (Ashuelot, 1940)
Winham, Harold, Woodworking, Inc. (Alstead, 1964)
Win-Sum, Inc. (Bennington, 1966)
Wish Associates, Inc. (Nashua, 1967)
Wishbone Farms of N. H., Inc. (Farmington, 1959)
Wiswell Development Corporation (Jackson, 1966)
Woodcraft Buildings, Inc. (Manchester, 1967)
Woodcraft Construction of N. H. Inc. (Manchester, 1964)
Woodford Dimension, Inc. (West Swanzey, 1962)
Woodland Shores, Inc. (Alton, 1962)
World Wide Collection Service of N. H., Inc. (Manchester, 1967)
Wotanda Corporation (formerly Wotanda Camps, Inc., Meredith, 1934)
Wundermere, Inc. (Manchester, 1963)
X actol, Inc. (Nashua, 1967)

The principal place of business and date and year of incorporation, when given in the above list, are included for the purpose of distinguishing corporations of the same or similar names.

419:2 Remedies Preserved. No remedy against any such corporation, its stockholders or officers, for any liability previously incurred, shall be impaired hereby.

419:3 Reinstatement. Any such corporation may, within ninety days after this act takes effect, reinstate itself as a corporation by the payment of any fees in arrears and the filing with the secretary of state of any annual returns required by law and a statement under oath, signed by the clerk or secretary of such corporation, that it desires that its charter or certificate of incorporation shall remain in full force and effect.

419:4 Disposition of Property. Any corporation whose charter is hereby repealed, revoked and annulled, shall, nevertheless, continue as a body cor-

porate for the term of three years from the date this act takes effect, for the purpose of presenting and defending suits by or against it and of gradually closing and settling its concerns and distributing its assets, including the disposition and transfer of all or any part of the property and for no other purpose; provided that for the purpose of any suit or action by or against any such corporation, pending at the end of said term of three years, such corporation shall continue as a body corporate until ninety days after final judgment or decree in such suit or action; and provided further that the superior court shall have power at any time when it shall be made to appear, upon the petition of any interested party, that the protection of proprietary or other rights requires the doing of any act or thing by or in behalf of any such corporation, to order the doing of such acts or things, and for this purpose may appoint and authorize an agent to act for and in the name of such corporation and any action so ordered and done shall be effective corporate action.

419:5 Candia Mutual Insurance Company. The charter of Candia Mutual Insurance Company, an insurance company organized under general law in 1859, is hereby repealed. The provisions of sections 3 and 4 of this act shall not apply to the above named company.

419:6 Takes Effect. This act shall take effect upon its passage.

[Approved July 2, 1969.]

[Effective date July 2, 1969.]

CHAPTER 420.

AN ACT ESTABLISHING AN INTERIM COMMISSION TO STUDY PROBLEMS ASSOCIATED WITH THE CONVERSION FROM OPEN DUMPS TO OTHER MEANS OF PUBLIC DISPOSAL OF REFUSE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

420:1 Commission to Study Dumps Established. An interim commission of nine members is hereby established to examine, evaluate and make recommendations relating to the problems associated with the conversion by towns and cities from the burning of refuse in open dumps to other means of refuse disposal. The commission shall include four members of the house of representatives appointed by the speaker, two members of the senate appointed by the president, the director of the air pollution control agency or his designate and two persons familiar with the problems of towns and cities in the disposal of refuse who shall be appointed by the governor. The members of the commission shall not receive any salary but shall be entitled to reimbursement for actual expenses incurred in the performance of their duties.

420:2 Duties of Commission. The commission shall be convened by the director of the air pollution control agency or his designate and shall elect one of its members to act as chairman. The commission shall set its own rules of procedure and times for meetings. The commission shall study among other things: (a) The degree of undesirability of open dumps and

their contribution to the overall pollution problem; (b) whether or not it would be desirable and possible to allow certain municipalities to retain their open dumps; (c) what alternative means of refuse disposal are available to the local communities and what the costs of conversion, operation and maintenance would be; (d) what state aid could be made available to the towns and cities to aid them in converting to other means of refuse disposal; and (e) any other subject the commission deems relevant to the problems.

420:3 Report and Recommendations. The commission shall report its findings and recommendations to the 1971 session of the general court.

420:4 Appropriation. The sum of five hundred dollars is appropriated for the purposes of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

420:5 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 421.

AN ACT ENACTING THE CONTROLLED DRUG ACT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

421:1 New Chapter. Amend RSA by inserting after chapter 318-A the following new chapter:

Chapter 318-B Controlled Drug Act

318-B:1 Definitions. The following words and phrases, as used in this chapter, shall have the following meanings, unless the context otherwise requires:

I. "Abuse of drugs" means the use of controlled drugs solely for their stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and not as a therapeutic agent recommended by a practitioner in the course of medical treatment or in a program of research operated under the direction of a physician, pharmacologist, physiologist or chemist.

II. "Amphetamine-type drugs" means amphetamine, optical isomers thereof, salts of amphetamine and its isomers, and chemical compounds which are similar thereto in physiological effect, and which show a like potential for abuse;

III. "Barbiturate-type drugs" means barbituric acid and its salts, derivatives thereof and chemical compounds which are similar thereto in physiological effect, and which show a like potential for abuse;

IV. "Cannabis-type drugs" means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such a plant; and every compound manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks, except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination. Included are cannabimon, cannabiol and chemical compounds which are similar to cannabimon or cannabiol in physiological effect, and which show a like potential for abuse;

V. "Cocaine-type drugs" means coca leaves, cocaine, ecgonine, and chemical compounds which are similar thereto in chemical structure or which are similar thereto in physiological effect, and which show a like potential for abuse;

VI. "Controlled drugs" are those drugs and chemicals which contain any quantity of a substance which has been designated as subject to federal narcotic laws, or which has been designated as a depressant or stimulant drug pursuant to federal food and drug laws, or which has been by regulation, after investigation and hearing designated by the division of public health services as having a stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and as having a potential for abuse or physiological and psychological dependence, or both. The division of public health services shall give due notice of the time, place and purpose of all hearings required under this chapter to podiatrists, osteopaths, hospitals, pharmacists, physicians, dentists, veterinarians, laboratories, registered manufacturers, suppliers and to the general public by such means as it shall deem adequate. From and after the hearing date, the sale or dispensations (except by prescription) of a drug or chemical containing any quantity of such substance as is the subject matter of the hearing shall be suspended pending a determination as to whether such substance is to be designated as a controlled drug. Designation as a controlled drug shall result in the continued suspension of the sale or dispensation (except by prescription) of any drug or chemical containing any quantity of such substance until the effective date of the designation after publication. The substance shall thereafter be a controlled drug subject to this chapter. In the event any substance is so designated, the division shall publish the designation in a newspaper of general circulation in the state once each week for three successive weeks. The designation shall be effective and any drug or chemical containing any quantity of such substance shall be a controlled drug seven days after the date of the last publication of said designation. Controlled drugs are classifiable as amphetamine-type, barbiturate-type, cannabis-type, cocaine, type, hallucinogenic, morphine-type and other stimulant and depressant drugs. Specifically excluded from controlled drugs are alcohol, nicotine and caffeine;

VII. "Dentist" means a person authorized by law to practice dentistry in this state;

VIII. "Dispense" means distribute, leave with, give away, dispose of or deliver;

IX. "Drug dependence" means a state of physical addiction or psychic dependence, or both, upon a drug following use of that drug upon a repeated periodic or continuous basis except:

(a) Upon a morphine-type drug as an incident to current medical treatment of a demonstrable physical disorder, other than produced by the use of the drug itself, or

(b) Upon amphetamine-type, ataractic, barbiturate-type, hallucinogenic or other stimulant and depressant drugs as an incident to current medical treatment of a demonstrable physical or psychological disorder, or both, other than produced by the drug itself;

X. "Drug-dependent person" means any person who has developed a state of psychic or physical dependence, or both, upon a controlled drug following administration of that drug upon a repeated periodic or continuous basis. No person shall be classified as drug dependent who is dependent:

(a) Upon a morphine-type drug as an incident to current medical treatment of a demonstrable physical disorder other than drug dependence, or

(b) Upon amphetamine-type, ataractic, barbiturate-type, hallucinogenic or other stimulant and depressant drugs as an incident to current medical treatment of a demonstrable physical or psychological disorder, or both, other than drug dependence;

XI. "Federal food and drug laws" means the federal food, drug and cosmetic act, as amended, Title 21 USC 301 et seq.;

XII. "Federal narcotic laws" means the laws of the United States relating to opium, coca leaves and other narcotic drugs;

XIII. "Hallucinogenic drugs" are psychodysleptic drugs which assert a confusional or disorganized effect upon mental processes or behavior and mimic acute psychotic disturbances. Exemplary of such drugs are mescaline, peyote, psilocybin and d-lysergic acid diethylamide;

XIV. "Laboratory" means a scientific or medical establishment entrusted with the custody of controlled drugs and the use of controlled drugs for scientific and medical purposes and for purposes of instruction, research or analysis;

XV. "Manufacturer" means a person who, by compounding, mixing, cultivating, growing or other process, produces or prepares controlled drugs, but shall not mean a pharmacist who compounds controlled drugs to be sold or dispensed on prescriptions;

XVI. "Morphine-type drugs" means morphine and chemical compounds which are similar thereto in physiological effect, and which show a like potential for abuse.

XVII. "Narcotic drugs" means cocaine-type and porphine-type drugs, and drugs other than cannabis-type regulated under the federal narcotic laws;

XVIII. "Nurse" means a person licensed to perform nursing as defined in RSA 326-A;

XIX. "Official written order" means an order written on a form provided for that purpose by the United States commissioner of narcotics under the laws of the United States making provision therefor, if such order forms are authorized and required by federal law, or conforming to the requirements of such a form and provided by the division of public health, or if no such order form is provided, on an official form provided for that purpose by the division of public health;

XX. "Other stimulant and depressant drugs" means controlled drugs other than amphetamine-type, barbiturate-type, cannabis-type, cocaine-type, hallucinogenics and morphine-type which are found to exert a stimulant and depressant effect upon the higher functions of a central nervous system and which are found to have a potential for abuse;

XXI. "Person" means any corporation, association or partnership, or one or more individuals;

XXII. "Pharmacist" means a person authorized by law to practice pharmacy pursuant to RSA 318;

XXIII. "Pharmacy" means an establishment licensed pursuant to RSA 318;

XXIV. "Physician" means a person authorized by law to practice medicine in this state pursuant to RSA 329;

XXV. "Potential for abuse" means that there is a likelihood that a drug will be used solely for its stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system as distinguished from use recommended by a practitioner as a therapeutic agent in a course of medical treatment or in a program of research operated under the direction of a physician or pharmacologist;

XXVI. "Practitioner" means any person who is lawfully entitled to prescribe, administer, dispense or distribute controlled drugs to patients;

XXVII. "Prescribe" means order or designate a remedy or any preparation containing controlled drugs;

XXVIII. "Prescription" means a written or oral order for any controlled drug or preparation from a licensed practitioner to a pharmacist for a patient.

XXIX. "Registry number" means the number assigned to each person registered under the federal narcotic laws;

XXX. "Sale" means barter, exchange or gift, or offer therefor, and each such transaction made by any person whether as principal, proprietor, agent, servant, or employee;

XXXI. "State food, drug and cosmetic laws" means RSA 146;

XXXII. "Veterinarian" means a person authorized by law to practice veterinary medicine in this state pursuant to RSA 332;

XXXIII. "Wholesaler" means a person who supplies controlled drugs

that he himself has not produced or prepared to hospitals, practitioners, pharmacies, other wholesalers, manufacturers and federal, state and municipal agencies. Words importing the plural number may include the singular; words importing the masculine gender may be applied to females.

318-B:2 Acts Prohibited. It shall be unlawful for any person to manufacture, possess, have under his control, sell, purchase, prescribe, administer, dispense, or compound any controlled drug, or any preparation containing a controlled drug, except as authorized in this chapter.

318-B:3 Licensing of Manufacturers and Wholesalers Required. No person shall manufacture controlled drugs, and no person as a wholesaler shall supply the same, without having first obtained a license to do so from the division of public health services of the department of health and welfare.

318-B:4 Licenses.

I. Fee. The fee for such license shall be ten dollars per year payable annually to the division of public health services on or before January 1.

II. Qualification. No license shall be issued under section 3 unless and until the applicant therefor has furnished proof satisfactory to the division of public health services:

(a) that the applicant is of good moral character or, if the applicant be an association or corporation, that the managing officers are of good moral character, and

(b) that the applicant is equipped as to land, buildings, and equipment properly to carry on the business described in his application.

III. Prohibition. No license shall be granted to any person who has within five years been convicted of a violation of any law of the United States, or of any state, relating to controlled drugs, as defined in this chapter, or to any person who is a drug-dependent person.

IV. Revocation. Any license may be suspended or revoked by the division of public health services after due notice and opportunity for hearing if the licensee:

(a) has been convicted of violating or conspiring to violate any law of the United States or of any state where the offense involves any activity or transaction with respect to controlled drugs; or

(b) has violated or failed to comply with any duly promulgated regulation of the division of public health services and such violation or failure to comply reflects adversely on the licensee's reliability and integrity with respect to controlled drugs.

318-B:5 Sale by Manufacturer or Wholesaler. A duly licensed manufacturer or wholesaler may sell and dispense controlled drugs only to any of the following persons, and only on official written orders:

I. To a manufacturer, wholesaler, or pharmacist,

II. To a practitioner,

III. To that person in each hospital designated as in charge of controlled drugs but only for use by or in that hospital,

IV. To that person in each laboratory designated as in charge of controlled drugs but only for use in that laboratory for scientific and medical purposes.

V. To a person in the employ of the United States Government or of any state, territorial, district, county, municipal, or insular government, purchasing, receiving, possessing, or dispensing controlled drugs by reason of his official duties, upon an exempt official order form as required by federal narcotics laws.

VI. To a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, or to a physician or surgeon, duly licensed in some state, territory, or the District of Columbia to practice his profession, or to a retired commissioned medical officer of the United States army, navy, or public health service employed upon such ship or aircraft, for the actual medical needs of persons on board such ship or aircraft, when not in port. Provided, such controlled drugs shall be sold to the master of such ship or person in charge of such aircraft or to a physician, surgeon, or retired commissioned medical officer of the United States army, navy, or public health service employed upon such ship or aircraft only in pursuance of a special order form approved by a commissioned medical officer or acting assistant surgeon of the United States public health service,

VII. To a person in a foreign country if the provisions of the federal narcotics laws are complied with.

318-B:6 Possession Lawful. Possession of or control of controlled drugs obtained as authorized by section 5 shall be lawful if in the regular course of business, occupation, profession, employment, or duty of the possessor.

318-B:7 Written Orders. An official written order for any controlled narcotic drug shall be signed in triplicate by the person giving said order or by his duly authorized agent. The original shall be presented to the person who sells or dispenses the controlled drug or drugs named therein. In event of the acceptance of such order by said person, each party to the transaction shall preserve his copy of such order for a period of two years in such a way as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this act. It shall be deemed a compliance with this section if the parties to the transaction have complied with the federal narcotic laws or the federal food and drug laws, respecting the requirements governing the use of order forms.

318-B:8 Limitation on Use. A person in charge of controlled drugs in a hospital or of a laboratory, or in the employ of this state or of any other state, or of any political subdivision thereof, or a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, or a physician or surgeon duly licensed in some state, territory, or the District of Columbia, to practice his profession, or a retired commissioned medical officer of the United States army, navy, or public health service employed upon such ship or aircraft, who obtains controlled drugs under the provisions of section 5 or otherwise, shall not administer, nor dispense, nor otherwise use such drugs, within the state, except within the scope of his employment or official duty, and then only for scientific or medical purposes and subject to the provisions of this chapter.

318-B:9 Sale by Pharmacists.

I. On Prescription. Any person in good faith, may sell controlled drugs exempt under federal narcotic laws or federal food and drug laws not requiring a prescription and a pharmacist may sell and dispense controlled drugs requiring prescriptions to any person upon the written prescription of a practitioner, provided it is properly executed, dated and signed by the person prescribing on the day when issued and bears the full name and address of the patient for whom or of the owner of the animal for which, the drug is dispensed, or upon oral prescription, in pursuance of regulations promulgated by the secretary of the treasury of the United States, or his delegate, under the provisions of federal narcotics laws, where applicable, provided said oral prescription is promptly reduced to writing by the pharmacist, stating the name of the practitioner so prescribing, the date, the full name and address of the patient for whom, or of the owner of the animal for which, the drug is dispensed, and in all instances, the full name, address and registry number under the federal narcotic laws or federal food and drug laws of the person so prescribing if he is required by those laws to be so registered. If the prescription be for an animal, it shall state the species of animal for which the drug is prescribed. A person filling the prescription shall write the date of filling and his own signature on the face of the prescription. The prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years so as to be readily accessible for the inspection of any officers engaged in the enforcement of this chapter. The prescription as to a narcotic controlled drug shall not be refilled.

II. On Written Order. The legal owner of any stock of controlled drugs in a pharmacy, upon discontinuance of dealing in said drugs, may sell said stock to a manufacturer, wholesaler, pharmacist or pharmacy owner but only upon an official written order, and in accordance with the federal narcotic laws and regulations where applicable. A pharmacist only upon an official written order, may sell to a practitioner in quantities not exceeding one ounce at any one time, aqueous or oleaginous solutions compounded by him of which the content of controlled drugs does not exceed a proportion greater than twenty per centum of the complete solution, to be used for medical purposes.

318-B:10 Professional Use of Narcotic Drugs.

I. Practitioners Other Than Veterinarians. A practitioner other than a veterinarian, in good faith and in the course of his professional practice only, may prescribe, administer, and dispense controlled drugs, or he may cause the same to be administered by a nurse or intern under his direction and supervision.

II. Veterinarians. A veterinarian, in good faith and in the course of his professional practice only, and not for use by a human being, may prescribe, administer, and dispense controlled drugs, and he may cause them to be administered by an assistant or orderly under his direction and supervision.

III. Return of Unused Drugs. Any person who has obtained from a practitioner other than a pharmacist any controlled drug for administra-

tion to a patient during the absence of said practitioner, shall return to such practitioner any unused portion of such drug, when it is no longer required by the patient.

318-B:11 Preparations Exempted.

I. Not Dependence Forming or of Sustaining Character. The division of public health services may by regulation exempt from the application of this chapter to such extent as it determines to be consistent with the public welfare, pharmaceutical preparations found by the division of public health services after due notice and hearing:

(a) Either to possess no physiological or psychological dependence forming or sustaining character, or to possess physiological or psychological dependence forming or sustaining character not sufficient to warrant imposition of all the requirements of this chapter, and,

(b) Not to permit recovery of the minute quantity of a controlled drug from the pharmaceutical preparation having such a physiological or psychological dependence forming or sustaining character, with such relative technical chemical separation simplicity and degree of quantitative yield as to create a risk of improper use.

II. Exempt Under Federal Law. In exercising the authority granted in paragraph I. the division of public health services, by regulation and without special findings may grant exempt status to such pharmaceutical preparations as are or may be determined to be exempt under the federal narcotic laws and regulations and permit the administering, dispensing, or selling of such preparations under the same conditions as permitted by the federal narcotic laws and regulations and the federal food and drug laws and regulations.

III. Revocation. If the division of public health services shall find after due notice and a hearing, as required by section 1 (VI) of this chapter, that any exempt pharmaceutical preparation does possess a degree of physiological or psychological dependence character that results in material abusive use, it shall by designation publish once each week for three successive weeks, the findings in a newspaper of general circulation in the state. The findings shall be effective, and the exempt status shall cease to apply to such pharmaceutical preparation seven days after the date of the publication of the findings. The suspension procedure specified in section 1 (VI) of this chapter shall also apply to such exempt preparation after the hearing date.

318-B:12 Records to be Kept. Practitioners, manufacturers, wholesalers, pharmacists, hospitals and laboratories shall keep such records as may be required by the division of public health services or by the federal narcotic laws and regulations and the federal food and drug laws and regulations relating to receipt, manufacture, inventory, distribution (including dispensing, sale or other disposition) and information as to controlled drugs stolen, lost or destroyed.

318-B:13 Labels.

I. Manufacturer or Wholesaler. Whenever a manufacturer sells or dispenses a controlled drug, and whenever a wholesaler sells or dispenses a

controlled drug in a package prepared by him, he shall securely affix to each package in which the drug is contained a label showing in legible english the name and address of the vendor and the quantity, kind, and form of controlled drug contained therein. If any controlled drug is determined by regulation of the division of public health services as being habit forming, the container label shall show clearly the statement "Warning — May be Habit Forming". No person, except a pharmacist for the purpose of filling a prescription under this chapter shall alter, deface, or remove any label so affixed.

II. Pharmacist. Whenever a pharmacist sells or dispenses any controlled drug on a prescription issued by a practitioner, he shall affix to the container in which such drug is sold or dispensed, a label showing his own name, address, and registry number, or the name, address, and registry number of the pharmacist for whom he is lawfully acting; the name and address of the patient or, if the patient is an animal, the name and address of the owner of the animal and the species of the animal; the name, address, and registry number of the practitioner by whom the prescription was written; and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed.

318-B:14 Authorized Possession of Controlled Drugs by Individuals. An individual to whom or for whose use any controlled drug has been prescribed, sold, or dispensed, by a practitioner or pharmacist, or other person authorized under the provision of sections 5 or 8, and the owner of any animal for which any such drug has been prescribed, sold or dispensed by a veterinarian, may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing the same.

318-B:15 Persons and Corporations Exempted. The provisions of this chapter restricting the possession and having control of controlled drugs shall not apply to common carriers or to warehousemen, while engaged in lawfully transporting or storing such drugs, or to an employee of the same acting within the scope of his employment; or to public officers or their employees in the performance of their official duties requiring possession or control of controlled drugs; or to temporary incidental possession by employees or agents or persons lawfully entitled to possession, or by persons whose possession is for the purpose of aiding public officers in performing their official duties.

318-B:16 Common Nuisances. Any store, shop, warehouse, dwelling-house, building, vehicle, boat, aircraft, or any place whatever, which is resorted to by drug-dependent persons for the purpose of using controlled drugs or which is used for the illegal keeping or selling of the same, shall be deemed a common nuisance. No person shall knowingly keep or maintain such a common nuisance.

318-B:17 Disposal of Controlled Drugs in Possession of Peace Officer. All controlled drugs, the lawful possession of which is not established or the title to which cannot be ascertained, which have come into the custody of a peace officer, shall be forfeited, and disposed of as follows:

I. Forfeited or Destroyed. Except as in this section, otherwise provided, the superior court shall order such controlled drugs forfeited and

destroyed. A record of the place where said drugs were seized, of the kinds and quantities of drugs so destroyed, and of the time, place, and manner of destruction, shall be kept, and a return under oath reporting said destruction, shall be made to the superior court and to the United States commissioner of narcotics, if narcotic controlled drugs are involved, by the officer who destroys them.

II. Delivery to Division of Public Health Services. Upon written application by the state division of public health services the superior court may order the delivery of any of them, except heroin and its salts and derivatives, to said state division of public health services for distribution or destruction, as hereinafter provided.

(a) Upon application by any hospital within this state, not operated for private gain, the state division of public health services may in its discretion deliver any controlled drugs that have come into its custody by authority of this section to the applicant for medical use. The state division of public health services may from time to time deliver excess stocks of such controlled drugs to the United States commissioner of narcotics, or to the New Hampshire hospital, or may destroy the same.

III. Records Required. The state division of public health services shall keep a full and complete record of all drugs received and of all drugs disposed of, showing the exact kinds, quantities, and forms of such drugs; the persons from whom received and to whom delivered; by whose authority received, delivered, or destroyed; and the dates of the receipt, disposal, or destruction, which record shall be open to inspection by all federal or state officers charged with the enforcement of federal and state controlled drug laws.

318-B:18 Notice of Conviction to be Sent to Licensing Board. On the conviction of any person of the violation of any provision of this chapter, a copy of the judgment and sentence, and of the opinion of the superior court, if any opinion be filed, shall be sent by the clerk of the court, to the board or officer, if any, by whom the convicted defendant has been licensed or registered to practice his profession or to carry on his business. On the conviction of any such person, the board or officer may, in its discretion, suspend, or revoke the license or registration of the convicted defendant to practice his profession or to carry on his business. On the application of any person whose license or registration has been suspended or revoked, and upon proper showing and for good cause said board or officer may reinstate such license or registration.

318-B:19 Records, Confidential. Prescriptions, orders and records, required hereby, and stocks of controlled drugs, shall be open for inspection only to federal, state, county, and municipal officers, whose duty is to enforce the laws of this state or of the United States relating to controlled drugs. No officer having knowledge by virtue of his office of any such prescription, order, or record shall divulge such knowledge, except in connection with a prosecution or proceeding in court or before a licensing or registration board or officer, to which prosecution or proceeding the person to whom such prescriptions, orders, or records relate is a party.

318-B:20 Prohibited Acts.

I. Fraud or Deceit. No person shall obtain or attempt to obtain a controlled drug, or procure or attempt to procure the administration of a controlled drug,

(a) by fraud, deceit, misrepresentation; or subterfuge; or

(b) by the forgery or alteration of a prescription or of any written order; or

(c) by the concealment of a material fact; or

(d) by the use of a false name or the giving of a false address.

II. False Statements. No person shall wilfully make a false statement in any prescription, order, report, or record, required hereby.

III. Assuming False Title. No person shall, for the purpose of obtaining a controlled drug falsely assume the title of, or represent himself to be a manufacturer, wholesaler, pharmacist, practitioner, or other authorized person.

IV. False or Forged Prescriptions or Orders. No person shall make or utter any false or forged prescription or false or forged written order.

V. False or Forged Labels. No person shall affix any false or forged label to a package or receptacle containing controlled drugs.

VI. Application of Section. The provisions of this section shall apply to all transactions relating to controlled drugs, or to preparations containing a controlled drug, under the provisions of section 11 of this chapter, in the same way as they apply to transactions under all other sections.

318-B:21 Certain Communications Not Privileged. Information communicated to a physician in an effort unlawfully to procure a controlled drug, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

318-B:22 Exceptions and Exemptions Not Required to be Negated. In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of this chapter, it shall not be necessary to negate any exception, excuse, proviso, or exemption, contained herein, and the burden of proof of any such exception, excuse, proviso or exemption, shall be upon the defendant.

318-B:23 Enforcement and Cooperation. It is hereby made the duty of the division of public health services, its officers, agents, inspectors, and representatives, and of all peace officers within the state, and of all county attorneys, to enforce all provisions of this chapter, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and of all other states, relating to controlled drugs.

318-B:24 Rules and Regulations. Authority is hereby granted to the division of public health services to promulgate rules and regulations for the efficient enforcement of this chapter and said division of the public health services is hereby required to make such regulations under this chapter to conform with those promulgated by the secretary of the treasury of the United States, his delegate, the secretary of health, education, and wel-

fare, or the United States commissioner of narcotics, under the federal narcotic laws and the federal food and drug laws.

318-B:25 Authority for Inspection. All officers, agents, inspectors and representatives of the division of public health services who are charged with the responsibility to enforce this chapter, all peace officers within the state, the attorney general and all county attorneys are authorized to enter upon the premises used by a pharmacist for the purpose of his business and inspect such original prescriptions for controlled drugs as defined herein; and every pharmacist, his clerk, agent or servant shall exhibit to such person on demand every such original prescription so kept on file.

318-B:26 Penalties.

I. Any person who, except as authorized in this chapter,

(a) Manufactures, sells, prescribes, dispenses, compounds, transports with intent to sell or dispense, offers or gives or administers to another person any:

(1) Narcotic drug shall for a first offense be imprisoned for not more than twenty years or fined not more than five thousand dollars or both, and for each subsequent offense be imprisoned for not more than twenty-five years.

(2) Controlled drug other than a narcotic drug, shall for a first offense be imprisoned for not more than ten years or fined not more than two thousand dollars, or both, and for each subsequent offense be imprisoned for not more than fifteen years or fined not more than five thousand dollars or both.

(b) Possesses or has under his control, any quantity of any:

(1) Narcotic drug shall for a first offense be imprisoned for not more than five years or fined not more than two thousand dollars, or both, and for each subsequent offense be imprisoned for not more than ten years or fined not more than five thousand dollars, or both.

(2) Controlled drug other than a narcotic drug, shall be imprisoned not more than one year or fined not more than five hundred dollars, or both, and for each subsequent offense be imprisoned for not more than three years or fined not more than one thousand dollars, or both.

II. Any person who:

(a) Is present where he knows a controlled drug is illegally kept or deposited, or

(b) Is in the company of a person knowing that said person is illegally in possession of a controlled drug, shall be imprisoned not more than six months or fined not more than five hundred dollars, or both, and for each subsequent offense be imprisoned for not more than one year or fined not more than five hundred dollars, or both.

III. Any person who conspires with another person to violate any of the provisions of this chapter, shall be imprisoned for not more than two years or fined not more than two thousand dollars, or both.

IV. Any person who violates any provision of this chapter for which a penalty is not provided for by paragraphs I, II and III shall be imprisoned

not more than five years or fined not more than one thousand dollars, or both.

318-B:27 Prior Offenses. In the case of any person charged with a violation of any provision of this chapter, who has previously been convicted of a violation of the laws of the United States or any state, territory or the District of Columbia relating to controlled drugs as defined in this chapter, such previous conviction shall be deemed a prior offense.

318-B:28 Recording of Sentences as Misdemeanors or Felonies.

I. Any person convicted of a violation of any provision in this chapter whose sentence is:

- (a) Continued for sentence, or
- (b) Continued for sentence and placed on probation for not more than five years, or
- (c) Less than one year and one day or a fine of less than one thousand dollars, or both, (regardless of whether said sentence is suspended), or
- (d) Greater than one year and one day or a fine of more than one thousand dollars, or both, but a portion of said sentence is suspended so that the period designated to be served is less than one year and one day, or the fine ordered paid is less than one thousand dollars, shall be considered for all purposed to have been convicted of a misdemeanor and the conviction shall be so recorded in the records of the superior court and elsewhere.

Provided nevertheless that in the event any marking of continued for sentence and/or probation is brought forward and sentence designated for service is greater than one year and one day, or the fine ordered paid is greater than one thousand dollars then said person shall thereafter be considered for all purposes to have been convicted of a felony and the records of the superior court and elsewhere shall be amended accordingly.

318-B:29 Effect of Acquittal or Conviction Under Federal Narcotic Laws. No person shall be prosecuttd for a violation of any provision of this chapter if such person has been acquitted or convicted under the federal narcotic laws or under the federal food and drug laws of the same act or ommission which it is alleged constitutes a violation of this chapter.

318-B:30 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

421:2 Repeal. RSA 318-A, the Uniform Narcotic Drug Act, as inserted by1963, 276:1 and amended by 1967, 420:1 and 2, is hereby repealed, provided, however, that no offense committed and no penalty or forfeiture incurred under any provision of said chapter 318-A and before the time when such repeal shall take effect shall be affected by the repeal except that when any punishment, penalty or forfeiture shall be mitigated by the provisions of RSA 318-B as inserted by section 1 of this act, such provisions may be extended and applied to any sentences under chapter 318-A pronounced after such repeal.

421:3 Effective Date. This act shall take effect sixty days after its passage, provided that any manufacturer, or wholesaler holding a valid license under the provisions of chapter 318-A on the effective date of this act shall not be required to obtain a license and pay the fee as provided by RSA 318-B as inserted by section 1 of this act until January 1, 1970.

[Approved July 2, 1969.]

[Effective date August 31, 1969 provided that any manufacturer, or wholesaler holding a valid license under the provisions of chapter 318-A on the effective date of this act shall not be required to obtain a license and pay the fee as provided by RSA 318-B as inserted by section of this act until January 1, 1970.]

CHAPTER 422.

AN ACT TO GIVE THE SUPERIOR COURT POWER TO COMPEL DISCLOSURE OF
INSURANCE COVERAGE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

422:1 Power to Compel Disclosure. Amend RSA 498 by inserting after section 2 the following new section: **498:2-a Insurance Coverage in Tort Cases.** Prior to the trial of any action on the case for negligence, in which an insurance carrier has been joined or has come into defend, the superior court may, in its discretion and only if the court feels it would assist in the settlement of the case, on motion, require said insurance carrier to disclose only to opposing counsel, for purposes of settlement negotiations, the policy limits of the policy of liability insurance between a defendant and the insurance carrier.

422:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 423.

AN ACT TO AMEND THE WORKMEN'S COMPENSATION LAW.

Be it Enacted by the Senate and House of Representatives in General Court convened:

423:1 Notice of Insurance Cancellation. Amend RSA 281:11, as amended by 1957, 187:4, by striking out said section and inserting in place thereof the following: **281:11 Termination Notices.** In all instances where an insurance carrier is to cease providing workmen's compensation insurance to an employer, whether by reason of cancellation or otherwise, it shall file a written termination notice with the labor commissioner. Except when termination of coverage is by reason of change of carrier or of an employer

ceasing to be subject to the provision of this chapter, notice of termination shall be served upon the employer in writing. No termination shall take effect earlier than thirty days after date of filing of notice thereof with the labor commissioner.

423:2 Reference Corrected. Amend RSA 281:12, as amended by 1959, 187:4 and 1961, 194:5, by striking out in line five after the word "paragraph" the numeral "VI" and inserting in place thereof the numeral (VIII) so that said section as amended shall read as follows: **281:12 Employees Presumed To Have Accepted.** An employee of an employer subject to this chapter shall be conclusively presumed to have accepted the provisions hereof and to have waived his rights of action at common law to recover damages for personal injuries against his employer, or against the employer's insurance carrier as defined in paragraph VIII of section 2.

423:3 Vocational Rehabilitation. Amend RSA 281 by inserting after section 21-a (supp) the following new section: **281:21-b Vocational Rehabilitation.** When as a result of an injury covered by this act, an employee is unable to perform work for which he has previous training or experience, he shall be entitled to such vocational rehabilitation services, including re-training and job placement, as may be reasonably necessary to restore him to suitable employment. If such services are not voluntarily offered and accepted, by the employer or insurance carrier, the labor commissioner, if necessary through informal hearing affording all parties to be heard thereon, may refer the employee to a qualified physician or appropriate facility for evaluation of the practicability of, need for, and kind of service, treatment, or training necessary and appropriate to render him fit for a remunerative occupation.

Upon receipt of such findings, and after affording the parties an opportunity to be heard thereon, the commissioner may order that the services and treatment recommended, or such other rehabilitation treatment or service he may deem necessary be provided at the expense of the employer or its insurance carrier.

Vocational rehabilitation training, treatment or service shall not extend for a period of more than one year except in unusual cases when by special order of the labor commissioner, after informal hearing, the period may be extended as is deemed to be reasonable and necessary to accomplish a successful result.

When vocational rehabilitation requires residence at or near a facility or institution, away from the employee's customary residence, the reasonable cost of his board, lodging and/or travel shall be paid for by the employer or its insurance carrier. In addition, the employer or its insurance carrier shall pay reasonable cost for books, tools or other basic materials required in such rehabilitation process.

Refusal to accept vocational rehabilitation pursuant to an order of the labor commissioner may result in loss of compensation for each week of the refusal if the commissioner so directs.

423:4 Memorandum of Payment. Amend RSA 281:36 as amended by 1955, 291:2 and 1965, 300:9, by striking out said section and inserting in place thereof the following: **281:36 Memorandum of Payment.** An em-

ployer or his insurance carrier shall make payment of compensation in amounts and manner provided by this chapter. Memoranda of such payments shall be filed with the labor commissioner in accordance with rules and regulations promulgated by said commissioner under section 52 of this chapter.

423:5 Hearings and Awards. Amend RSA 281:37 as amended by 1955, 98:10; 1959, 187:8; 1961, 194:15; and 1965, 300:10 by striking out in lines one through seven after the word "Awards" the words "If the compensation is not fixed by agreement, or if there is a dispute as to the employer's responsibility for medical and hospital benefits, or other remedial care under section 21, either party may petition for hearing and award in the premises to the labor commissioner who shall set a time and place for hearing and give at least fourteen days' notice thereof to the parties by giving notice in hand or by registered mail sent to their last known places of abode" and inserting in place thereof the following (If there is a dispute as to the employer's responsibility for compensation, medical and hospital benefits, or other remedial care, or as to any other provision of this chapter any party to such dispute may petition for hearing and award in the premises to the labor commissioner or said commissioner may schedule a hearing, setting the time and place for hearing, and giving at least fourteen days' notice thereof to the parties by giving notice in hand or by certified mail, return receipt requested, sent to their last known places of abode) so that said section as amended shall read as follows: **281:37 Hearings and Awards.** If there is a dispute as to the employer's responsibility for compensation, medical and hospital benefits, or other remedial care, or as to any other provision of this chapter, any party to such dispute may petition for hearing and award in the premises to the labor commissioner or said commissioner may schedule a hearing, setting the time and place for hearing, and giving at least fourteen days' notice thereof to the parties by giving notice in hand or by certified mail, return receipt requested, sent to their last known places of abode. At such hearing full consideration shall be given to all evidence which may be presented and within thirty days thereafter said commissioner shall render his decision and shall forthwith notify the parties thereof. Petition for hearing and award in the premises may be made by either party to the superior court, on appeal from an award made by the labor commissioner, the venue to be according to civil actions in personam between the same parties, and the court shall set a time and place for hearing and order at least fourteen days' notice thereof to the parties. Such petition shall be filed within thirty days of the date of said commissioner's award. At such hearing a full trial shall be had before a justice of the superior court, without jury, and within thirty days thereafter the court shall make its award setting forth its findings of fact and the law applicable thereto, and the clerk of court shall forthwith send to each of the parties and to the labor commissioner copies of such award. The decision of said court shall be enforceable in the same manner as an equity decree, and appeals from such decisions may be taken to the supreme court; but in no case shall such an appeal suspend the operation of an award unless the court from which such appeal is taken shall so order.

423:6 Examination by Physician. Amend RSA 281:39 as amended by 1957, 187:15 by striking out in line five after the words "examination a"

the words "fee of five dollars" and inserting in place thereof the following (reasonable fee) so that said section as amended shall read as follows: **281:39 — Examination by Physician.** When application is made to said labor commissioner, a duly licensed and impartial physician or surgeon may be appointed by said labor commissioner to examine the injured employee and to report to said labor commissioner. Said physician or surgeon shall receive for such an examination a reasonable fee and necessary traveling and hotel expenses, which shall be paid by the state on vouchers approved by said labor commissioner, and said labor commissioner may allow additional reasonable amounts in extraordinary cases. Whenever in the judgment of the labor commissioner, expert medical testimony is required at any hearing, a duly licensed and impartial physician or surgeon may be appointed to testify. Said physician or surgeon shall receive a reasonable fee for his services, plus necessary traveling and hotel expenses, which shall be paid by the state on vouchers approved by said commissioner.

423:7 Review of Eligibility for Compensation. Amend RSA 281:40 as amended by 1955, 98:11; 1957, 187:15; 1959, 187:9; 1961, 194:16; and 1965, 300:12 by striking out said section and inserting in place thereof the following: **281:40 Review of Eligibility for Compensation.** Any party in interest, in respect of an injury occurring after July 1, 1965, may petition the labor commissioner to review a denial or an award by such commissioner of compensation made pursuant to section 36, by a petition filed with such commissioner not later than the fourth anniversary of the date of such denial or the last payment of compensation under such award or pursuant to section 36, as the case may be, upon the ground of a change in conditions, mistake as to the nature or extent of the injury or disability, fraud, undue influence, or coercion. This section shall have no application to requests for extensions of medical and hospital benefits, or other remedial care, which shall be governed solely by those sections of this chapter relating thereto. Upon the filing of such petition, and after notice to all other interested parties and hearing, the labor commissioner shall enter an order either granting or denying an original award of compensation, if none has theretofore been paid, or for ending, diminishing or increasing the compensation previously paid or fixed by award, subject to the maximum or minimum provided in this chapter and shall state his reasons therefor. When a petition is filed for reduction of compensation, or for ending the same, the petitioner must accompany such petition with medical evidence that the injured employee is physically able to perform his regular work, or is able to engage in gainful employment. On the basis of such medical evidence the commissioner may authorize suspension of further payments pending hearing on the petition; otherwise compensation shall continue on the basis of existing award pending hearing and any further order by the commissioner. Such a review shall not affect such award with respect to money already paid. All procedure on such a petition shall be the same as herein provided for original hearings. Appeal from the decision of the labor commissioner to the superior court may be made in the same manner as provided in section 37.

423:8 Casual Employment. Amend RSA 281:2, I (supp) by striking out the same and inserting in place thereof the following: I. Employer, with respect to private employment, means a person, partnership, association, corporation and the legal representative of a person, partnership, associa-

tion or corporation, who employs one or more persons, whether in one or more trades, businesses, professions or occupations and whether in one or more locations except casual employees, farm labor when not more than five persons are employed, and domestic service, provided, however, that the owner of a dwelling house having not more than three apartments and who resides therein, or the occupant of a dwelling house of another, who employs persons to do maintenance, construction or repair work on such dwelling house or on the grounds or structures appurtenant thereto, shall not because of such employment be deemed to be an employer. In determining the number of persons employed there shall be included persons whose contract of employment was entered into outside the state, if they are actually employed on work in this state. For the purpose of determining the number of persons employed, executive officers elected or appointed and empowered in accordance with the charter and by-laws of a corporation shall not be considered to be employees, except that such executive officers in excess of three shall be counted as employees. Any other employer may elect to accept the provisions of this chapter in accordance with section 3.

423:9 Definitions. Amend RSA 281:2, V (supp) by striking out said paragraph and inserting in place thereof the following: V. Personal injury, or injury as used in and covered by this chapter means accidental injury or death arising out of and in the course of employment and all occupational diseases arising out of and in the course of employment, or death resulting therefrom, including disability due to radioactive properties or substances or exposure to ionizing radiation. For the purposes of this chapter occupational disease is defined as an injury arising out of and in the course of the employee's employment and due to causes and conditions characteristic of, and peculiar to, the particular trade, occupation, or employment. For the purpose of determining the date of injury for an occupational disease the first date of treatment by a licensed physician shall be taken as the date of injury, except as hereinafter specifically provided. It shall not include other diseases or death therefrom unless they are the direct result of an accidental injury arising out of or in the course of employment, nor shall it include a disease which existed at commencement of the employment, nor a disease the last injurious exposure to the hazards which occurred prior to August 31, 1947. The total amount of benefit in case of death shall not exceed the balance remaining between the amounts paid for disability and the total compensation payable under this chapter.

423:10 Average Weekly Wage. Amend RSA 281:2, VII (supp) by striking out said paragraph and inserting in place thereof the following:

VII. (1) Average weekly wages, except as provided in sub-paragraphs (2) and (3), shall be computed by taking the gross earnings of the injured employee in the service of the same employer during the preceding twelve weeks, or a longer period, not to exceed one year, if more favorable to the injured, divided by the number of weeks. Where by reason of the shortness of time during which the employee has been in the employment of his employer or the nature or terms of the employment, it is inequitable to compute the average weekly wages as previously defined, regard may be had to the rate of pay designated in his agreement of employment or to the gross earnings of persons in the same grade, employed at the same work by the

same employer, or if there is no person so employed, by a person of the same grade, employed in the same class of employment in the same locality.

(2) The average weekly wages for paid state or municipal volunteer or call firemen, state or municipal auxiliary and special police officers, and members of the state militia, as defined by RSA 110-A:1, if injured while on duty, shall be deemed to be the average weekly wages that entitles them to the maximum benefits under this chapter.

(3) The average weekly wages for members of the general court if injured in the performance of their duties as such members shall be deemed to be the average weekly wages that entitles them to the maximum benefits under this chapter.

423:11 Modification of Death Benefits. Amend RSA 281:22 (supp) as amended by 1967, 403:13 by striking out the introductory paragraph and inserting in place thereof the following: If death results from the injury, the employer shall pay to, or for the dependents of the deceased employee, as defined in section 2, for a period not to exceed three hundred and forty-one weeks, a weekly compensation equal to sixty-six and two-thirds per cent of the deceased employee's average weekly wages, but not less than twenty nor more than sixty-seven dollars per week unless the injured employee's average weekly wages as defined herein are less than twenty dollars per week, in which case the compensation shall be the full amount of said average weekly wages; provided that the total amount payable on account of a single death shall not exceed the sum of twenty-two thousand eight hundred forty-seven dollars. Any weekly payments made under sections 23, 25 or 26 shall be deducted from the total period of three hundred and forty-one weeks and the maximum of twenty-two thousand eight hundred forty-seven dollars.

423:12 Dependency. Amend RSA 281:22, V, by striking out said paragraph and inserting in place thereof the following:

V. Any dependent as defined herein, except a widow, widower, child or children, who at the time of the injury of the injured is in part only dependent upon his earnings, shall receive such proportion of the benefits provided for those wholly dependent as the amount of the wage contributed by the deceased to such partial dependents at the time of the injury bore to the total support of the dependents.

423:13 Modification of Maximum Weekly Benefits. Amend RSA 281:23 (supp) as amended by 1955, 98:5, 1957, 187:11, 1959, 187:13, 1961, 194:11, 1963, 328:10, 1965, 300:5 and 1967, 403:14 by striking out the word "fifty-eight" and inserting in place thereof the word (sixty-seven) so that said section as amended shall read as follows: **281:23 Compensation for Total Disability.** Where the injury causes total disability for work at any gainful occupation the employer, during such total disability, but not including the first seven days thereof, unless such disability continues for seven days or longer, shall pay the injured employee a weekly compensation equal to sixty-six and two-thirds per cent of the employee's average weekly wages, but not less than twenty dollars nor more than sixty-seven dollars per week, unless the injured employee's average weekly wages as defined herein are less than twenty dollars per week, in which case the compensation shall be the full amount of said average weekly wages. Whenever total disability has

continued for a period of six successive years and still continues, further payments of compensation during continued total disability shall be made only upon order of the labor commissioner. The injured employee shall apply to the labor commissioner for further weekly benefits during such continued total disability. The employer shall be given prompt notice of such request, and if the employer fails to object within twenty-one days after receipt of written notice of such request, the request shall be granted. If the employer objects within the required time, the request shall not be granted until the injured employee has been examined by three duly licensed physicians, one nominated by the employee, one by the employer and one by the labor commissioner. The labor commissioner's decision shall be based upon the written reports of such physicians, and shall be subject to review in the same manner as other decisions of the labor commissioner under this chapter. If additional benefits are awarded, they shall not be awarded for a period in excess of one year, and payments shall cease if total disability ends during the extension granted. If, at the end of one year, any such benefits are still being received pursuant to an extension hereunder, the injured employee must file an additional request, and the same procedure shall apply, and may be repeated annually in the same manner.

423:14 Modification of Maximum Weekly Benefits. Amend RSA 281:26 (supp) as amended by 1967, 403:15 by striking out the introductory paragraph and inserting in place thereof the following: In case of disability partial in character but permanent in quality, compensation shall be computed and payable as follows: (1) during the actual healing periods hereinafter mentioned, compensation equal to sixty-six and two-thirds per cent of the employee's average weekly wages, but not less than twenty dollars nor more than sixty-seven dollars per week, (unless the injured employee's average weekly wages as defined herein are less than twenty dollars per week in which case the compensation shall be the full amount of said average weekly wages) shall be payable; (2) for the specific injuries hereinafter mentioned, compensation equal to sixty-six and two-thirds per cent of the employee's average weekly wages, but not less than twenty dollars nor more than sixty-seven dollars per week, (unless the injured employee's average weekly wages as defined herein are less than twenty dollars per week in which case the compensation shall be the full amount of said average weekly wages) shall be payable.

423:15 Increase. Amend RSA 281:30 (supp) as amended by 1955, 98:9, 1957, 187:14, 1959, 187:14, 1961, 194:13, 1963, 328:14, 1965, 300:7, and 1967, 403:16 by striking out the word "fifty-eight" and inserting in place thereof the word (sixty-seven) so that said section as amended shall read, **281:30 Maximum Benefits.** In no case, except as provided in sections 23, 26 and 29, shall the weekly compensation payable under this chapter exceed sixty-six and two-thirds per cent of the average weekly wages, or exceed sixty-seven dollars per week in amount, nor shall any payments, including medical, hospital services, and other remedial care under section 21 except as specifically provided therein, extend over a period of more than three hundred and forty-one weeks from the date of injury.

423:16 Prohibition. Amend RSA 281:33 by striking out said section and inserting in place thereof the following: **281:33 Lump Sum Payments.**

Lump sum agreements may be permitted when the best interests of all concerned will be served thereby, provided however, in no instance shall the medical provisions under this chapter be lump summed. Any such agreement must be approved by the labor commissioner, or in the event of an appeal, by the court in which such appeal is pending. Notice of such agreement by the court shall be forwarded to the labor commissioner by the clerk of the court on forms furnished by said commissioner.

423:17 Second Injury Fund. Such parts of 281:48, as amended, as provide for payments into the second injury fund are hereby suspended for the period from July 1, 1969 to July 1, 1971.

423:18 Interim-Study. The labor commissioner is hereby directed to appoint a workmen's compensation committee for the purpose of conducting an interim study in regard to the creation of funds applicable to administration, subsequent injury, uninsured employers, insolvent insurance companies, retroactivity of improved benefits and other improvements to the workmen's compensation law. Said committee shall consist of the labor commissioner, who shall be its chairman, ex officio, three members representing management, three representing labor, two representing insurance carriers, and five members of the general court who shall serve without compensation. The committee shall report its findings and recommendations to the general court by January 30, 1971. The committee may designate advisers and consultants for the purpose of furthering the work of the committee.

423:19 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 424.

AN ACT EXEMPTING PERSONS IN THE BUSINESS OF SECOND MORTGAGE LOANS FROM
THE PROVISIONS OF THE SMALL LOANS STATUTE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

424:1 Lender. Amend RSA 398-A:1, III as inserted by 1961, 255:1 by striking out in lines one and two of said paragraph the words "of more than fifteen hundred dollars" so that said paragraph as amended shall read as follows: III. "Lender," means any person making a loan secured by a mortgage as described in this chapter and shall include any legal successor to the rights of the lender.

424:2 Exemption from Statute. Amend RSA 399-A:2, II as inserted by 1961, 245:1 by adding at the end of said paragraph the following (nor shall it apply to any person engaged in the business of second mortgage loans in accordance with the provisions of RSA 398-A, as amended, or to loans made by such persons) so that said paragraph as amended shall read as follows:

II. This chapter shall not apply to any person lawfully engaged in business as permitted by the laws of this state or of the United States relative to banks, trust companies, insurance companies, savings or building and loan associations, credit unions or pawnbrokers or to loans made by them, nor shall this chapter apply to any person engaged solely in the business of making loans for educational purposes or to the loans made by such persons, nor shall it apply to any person engaged in the business of second mortgage loans in accordance with the provisions of RSA 398-A, as amended, or to loans made by such persons.

424:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 425.

AN ACT RELATIVE TO PAYMENT OF CLAIMS ON AIRCRAFT ACCIDENTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

425:1 Liability. Amend RSA 412 by inserting after section 20 the following new subdivision:

Aircraft Accident Liability

412:21 Liability for Aircraft Accident. No policy of insurance issued or delivered in this state covering any loss, expense or liability arising out of the ownership, maintenance, or use of an aircraft shall exclude or deny coverage because the aircraft is operated in violation of federal or civil air regulations, or any state law or local ordinance. This section does not prohibit the use of specific exclusions or conditions in any such policy which relate to any of the following: (a) certification of an aircraft in a stated category by the federal aviation administration; (b) certification of a pilot in a stated category by the federal aviation administration; (c) establishing requirements for pilot experience; (d) establishing limitations on the use of the aircraft.

425:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 2, 1969.]

[Effective date August 31, 1969.]

CHAPTER 426.

AN ACT RELATIVE TO THE GOVERNOR'S COMMISSION ON CRIME AND DELINQUENCY,
AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

426:1 Purpose. The purpose of this act is to provide the governor's commission on crime and delinquency with an appropriation that will enable said commission to continue to receive federal funds, and to enable said commission to disburse funds to agencies of the state and the several counties and towns under the provisions of the omnibus crime control and safe streets act of 1968 (PL 90-351) and the juvenile delinquency prevention and control act (PL 90-445) of 1968.

426:2 Receipt and Disbursement. The governor's commission on crime and delinquency is empowered to allocate and spend state funds and to accept, allocate and spend any federal or other funds which may become available to the state under the terms of the federal legislation cited in section 1 or any other federal legislation relating to the prevention, control and correction of crime and juvenile delinquency.

426:3 Contracts and Agreements. The commission is further empowered to enter into contracts and agreements with, and accept gifts, grants, contributions, and bequests of funds from, any department, agency, or subdivision of federal, county or municipal government and any individual, foundation, corporation, association or public authority for the purpose of providing or receiving services, facilities or staff assistance in connection with its work. All such agreements shall be subject to prior approval by governor and council.

426:4 Control. Such funds shall be deposited with the state treasurer and may be expended by the commission in accordance with the regulations governing the operation of the commission.

426:5 Appropriation. The sum of forty thousand dollars is hereby appropriated for the fiscal year ending June 30, 1970, and a like sum is appropriated for the fiscal year ending June 30, 1971. Any unexpended balance shall not lapse but shall remain a continuing account for the express purposes hereof. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

426:6 Effective Date. This act shall take effect July 1, 1969.

[Approved July 3, 1969.]

[Effective date July 1, 1969.]

CHAPTER 427.

AN ACT CREATING A MOUNT WASHINGTON COMMISSION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

427:1 Creation of Mount Washington Commission. Amend RSA by inserting after chapter 227-A the following new chapter:

Chapter 227-B**Mount Washington Commission**

227-B:1 Commission Established. There is hereby established a Mount Washington Commission consisting of nine members to manage the summit of Mount Washington property owned by the state of New Hampshire.

227-B:2 Definitions: As used in this chapter:

I. "Commission" shall mean the Mount Washington Commission;

II. "Summit" shall mean the Mount Washington summit property owned by the state.

227-B:3 Commission Members, Appointment, Term. The nine members of the commission shall be appointed as follows:

I. Five members shall be appointed by the governor with the consent of the council, one of whom shall be a member of the house of representatives and one a member of the senate.

II. Two members shall be appointed through the concurrence of the boards of directors of the following groups: the Mount Washington Auto Road; the Mount Washington Observatory; Mount Washington TV, Inc.; and the Mount Washington Cog Railway.

III. One member shall be appointed by the supervisor of the White Mountain National Forest to represent the same, *ex officio*.

IV. One member shall be appointed by the president of the Appalachian Mountain Club to represent said club, *ex officio*.

V. All such members so appointed shall serve a term of three years commencing with the effective date of this act. Vacancies shall be filled for the unexpired term in the same manner and by the same body as the original appointment was made.

227-B:4 Removal. Any member of the commission may be removed for just cause through a majority vote of the governor and council.

227-B:5 Officers and Compensation. The commission shall annually elect one of its members as chairman, one as vice chairman, and one as secretary-treasurer. The members of the commission shall receive no compensation for their services, but their reasonable expenses, incurred in the performance of their duties, shall be paid from the summit operation.

227-B:6 Powers and duties. The commission shall:

I. Prepare a master plan for the summit including but not limited to:

(a) capital improvements to be made by the state over a 10-year period;

(b) the proposed operation of the summit by the commission including fees to be charged for the facilities operated by the commission, the method of collection of such fees, employment of personnel, franchises to be granted to concessionaires, and any other items deemed necessary to the proper operation of the summit by said commission;

(c) promotion of the use of the summit by the public as a recreational, historic or scientific attraction;

(d) protection of the summit as to its unique flora and other natural resources;

(e) the negotiation of public rights-of-way to the summit over private lands which benefit from the improvement of facilities on the summit;

(f) cooperative arrangements between private interests and the commission relative to the collection of fees, joint personnel, and any like subject.

II. Submit the said master plan to the governor on or before January 1, 1971 for approval and for enabling legislation in the 1971 session of the New Hampshire Legislature.

III. Collect all fees now being paid to the state for the use or lease of state-owned facilities on the summit, such fees to be used by the commission in its duties and for its expenses. Such accounts shall be subject to yearly audit by the comptroller.

IV. Supervise the work done on capital improvements authorized by the 1969 legislature for Mount Washington in order that said improvements are carried out in a manner consistent with the future plans for the summit as may be recommended by the commission.

V. Cooperate and consult with the division of parks of the department of resources and economic development concerning the daily operation of the summit as carried on by the division of parks.

227-B:7 Mount Washington Planning Committee. As of the effective date of this act, the Mount Washington planning committee shall be discharged and shall turn over to the commission all records, reports, data or other information relative to the summit in its possession.

427:2 Appropriation. Notwithstanding any other provisions of law to the contrary for the biennium ending June 30, 1971, the commission established by section 1 of this act shall collect the fees provided for by RSA 227-B:6, III and said monies are hereby appropriated for the purposes of RSA 227-B:5.

427:3 Effective Date. This act shall take effect July 2, 1969.

[Approved July 3, 1969.]

[Effective date July 2, 1969.]

CHAPTER 428.

AN ACT RELATIVE TO THE REPAIR OF DAMAGE CAUSED BY FLOODING IN COOS COUNTY
ON MAY 20, 1969, AND MAKING AN APPROPRIATION THEREFOR.

*Be it Enacted by the Senate and House of Representatives in General Court
convened:*

428:1 Repair of Bridges and Structures. The department of public works and highways is hereby authorized to repair, reconstruct, or replace, as determined by the commissioner of public works and highways to be appropriate, the following bridges or structures damaged by the flood of May 20, 1969: In the town of Colebrook, on South Hill Road over Beaver Brook, on Harvey Swell Road over the East Branch and on New Hampshire route 145 over the North Branch; in the town of Stark, on Emerson Road over the Nash Stream and over the Ammonoosuc River. The town's share of the costs incurred pursuant to this section shall be one-sixth of the cost in the case of class II highway bridges and structures, and one-eighth in the case of class V highway bridges and structures. The commissioner is authorized to perform the work called for by this section on a force account basis. He may, where feasible, utilize materials available from the department's stock without cost to the towns for the same.

428:2 Repair of Highways. The department of public works and highways is hereby authorized to repair or replace state highways and town roads in the towns of Colebrook and Stark which were damaged by the flood of May 20, 1969.

428:3 Appropriation. There is hereby appropriated the sum of three hundred thousand dollars for the purposes of this act. Said appropriation shall be a charge against the highway fund. The commissioner is authorized to transfer funds from said appropriation to the appropriate departmental appropriation accounts as required.

428:4 Effective Date. This act shall take effect upon its passage.

[Approved July 3, 1969.]

[Effective date July 3, 1969.]

CHAPTER 429.

AN ACT REGULATING OUTDOOR ADVERTISING ON THE INTERSTATE AND
FEDERAL-AID PRIMARY HIGHWAY SYSTEMS.

*Be it Enacted by the Senate and House of Representatives in General Court
convened:*

429:1 Regulation of Outdoor Advertising on Interstate Highways and Federal-aid Primary Highways. Amend RSA 249-A as inserted by 1961, 269:1 and amended by 1963, 3:1, 2 and 1967, 423:2 by striking out said chapter and inserting in place thereof the following:

Chapter 249-A Outdoor Advertising

249-A:1 Policy. It is hereby declared to be the policy of this state and in the public interest to provide for maximum visibility along the interstate system and federal-aid primary system, and connecting roads or highways; to prevent unreasonable distraction of operators of motor vehicles; to prevent confusion with regard to traffic lights, signs or signals or other interference with the effectiveness of traffic regulations; to promote maximum safety, comfort and well-being of users of the interstate system, and federal-aid primary system; to preserve and enhance the natural scenic beauty or the aesthetic features of the interstate system, and federal-aid primary system, and adjacent areas; to promote the reasonable, orderly and effective display of advertising devices along such systems; and to regulate advertising devices along such systems in a manner consistent with customary use in this state. To implement this declared policy and cooperate with the United States Government in the construction and maintenance of public highways in accordance with title 23 United States Code as amended and supplemented, this chapter provides for the regulation of advertising devices on the interstate and federal-aid primary highway systems.

249-A:2 Definitions. As used in this chapter:

I. The words "advertising device" shall include any billboard, outdoor sign, notice, poster, display figure, painting, message, placard or any other device which is designed or intended to attract or which does attract the attention of operator of motor vehicles on the interstate system, and federal-aid primary system, and shall include a structure erected or used in connection with the display of any such device and all lighting or other attachments used in conjunction therewith.

II. The words "on premise signs" shall mean advertising devices which are to be erected and maintained on the property for the following purposes.

(a) to set forth the name and address of the owner, lessee, or occupant of such property;

(b) to list information required by law to be posted or displayed thereon;

(c) to set forth the name of the business or profession conducted on such property, or which identify the goods or services produced or sold on such property.

(d) to indicate the sale or leasing of the real property upon which they are placed.

III. The words "directional and informational signs" shall mean directional and informational signs in the specific interest of the travelling public, or other official signs and signals erected or maintained by state or other public agencies having jurisdiction, provided the erection of such signs is not inconsistent with the standards to be promulgated by the United States secretary of transportation under section 131 (f) of the Federal Highway Beautification Act of 1965. For the purpose hereof, informational signs are deemed to be in the specific interest of the travelling public only if they contain information about public places operated by federal, state or local

governments, natural phenomena, historic sites, areas of natural scenic beauty or naturally suited for outdoor recreation, and places for camping. The commissioner of public works and highways is vested with authority to determine whether informational signs are in the specific interest of the travelling public.

IV. The words "interstate system" shall mean all highways within this state which are a part of the National System of Interstate and Defense Highways described in subsection (d) of section 103 of title 23, United States Code.

V. The words "federal-aid primary system" shall mean all highways within this state which are a part of the federal-aid primary system described in subsection (b) of section 103 of title 23, United States Code.

VI. "Commercial or industrial activities" shall mean those activities generally recognized as business, industrial or commercial by zoning authorities in this state, except that none of the following activities shall be considered commercial or industrial:

- (a) outdoor advertising structures;
- (b) agricultural, forestry, grazing, farming and related activities, including but not limited to wayside fresh produce stands;
- (c) transient or temporary activities;
- (d) activities conducted in a building used principally as residence;
- (e) railroad tracks and minor sidings.

VII. The words "zoned commercial or industrial areas" shall mean those areas zoned for business, industrial or commercial use pursuant to a municipal zoning ordinance, regulation or bylaw.

VIII. The words "unzoned commercial or industrial area" shall mean any area not zoned by any municipality in which, if an advertising device is or might be located therein, such device is or would be so located that there are at any time two or more separate businesses, industrial or commercial activities of a permanent nature conducted on one or more of the following properties, namely:

(1) the property on which such device is or might be located, (2) other properties on the same side of the highway, the nearest property lines of which are or would be within five hundred feet in either direction from such device, (3) the property on the opposite side of the highway, directly opposite such device, and (4) the properties on the opposite side of the highway the nearest property lines of which are or would be within five hundred feet in either direction from the point on the opposite edge of the right of way of the highway which is or would be directly opposite such device, provided, however, that no such advertising device may be located more than one thousand feet from the nearest such business, industrial or commercial activity measuring from the point on the outer edge of the regularly used buildings, parking lots, storages or processing areas of such activity nearest to such device, and provided further, that such separate business, industrial or commercial activities, if there are two such activities conducted on the aforesaid properties, or the two such activities nearest to each other if there are more than two such activities

conducted thereon, are within fifteen hundred feet of each other measuring from their nearest property lines.

IX. The word "erect" shall mean to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; but it shall not include any of the foregoing activities when performed as an incident to a change of advertising message or customary maintenance or replacement of the sign structure.

X. The word "maintain" shall mean to allow to exist.

XI. The words "federal highway adjacent area" shall mean an area which is adjacent to and within six hundred sixty feet of the nearest edge of the right of way of any interstate or federal-aid primary highway, which six hundred sixty foot distance shall be measured horizontally along a line normal or perpendicular to the center line of the highway.

XII. The word "political sign" shall mean an advertising device intended to promote the candidacy or election of any public official which device is basically impermanent in nature.

249-A:3 Licenses. No person shall erect or maintain more than ten advertising devices in federal highway adjacent areas or in view of any interstate or federal-aid primary highway other than such devices described in paragraphs III, IV and V of section 5 without first obtaining a license from the commissioner of public works and highways. The fee for such license shall be paid annually in advance. The fee for persons erecting or maintaining fifty or more advertising devices shall be one hundred dollars, and for persons erecting or maintaining less than fifty but more than ten such devices, the fee shall be fifty dollars. An application for a license or renewal of a license shall contain the name and residence or principal address of the applicant and such other reasonable information as the commissioner may from time to time require and shall be accompanied by the annual fee. Licenses granted under this section shall expire on April 1 following the date of issue, and fees therefor shall not be prorated. All applications for renewal of licenses shall be filed with the commissioner on or prior to March 15 preceding their expiration. Applications for a license or renewal of a license shall be granted except as otherwise provided in section 9.

249-A:4 Permits. No advertising device other than such a device described in paragraphs III, IV, and V of section 5 shall be erected or maintained in a federal highway adjacent area or in view of any interstate or federal-aid primary highway without a permit issued by the commissioner of public works and highways. Application for a permit or renewal of a permit shall contain the name and residence or principal business address of the applicant, the location of the device to be permitted and its size, excluding border and trim, base or apron, supports and other structural members, the number of faces carrying advertising, a signed statement of the owner of the property upon which the device to be permitted is or will be located that he has consented to such device, the amount of rental compensation being paid to the said owner, and such other reasonable information or requirements as the commissioner may require. Permits shall expire on April 1 following the date of issue and fees shall not be prorated.

Applications for renewal of a permit shall be filed prior to March 15 preceding expiration of the permit. Only one permit shall be required for double face or V-type devices, but fees shall be charged with respect to each face used for advertising. Advertising copy may be changed at any time without requiring a new permit. Applications for a permit or renewal of a permit shall be granted except as provided in section 9, and each application shall be accompanied by fees in accordance with the following schedule:

I. For sign faces of fifty square feet or less — five dollars.

II. For sign faces of more than fifty square feet but less than three hundred and fifty square feet — ten dollars.

III. For sign faces of three hundred and fifty square feet or more — twenty dollars.

The fees collected hereunder shall be paid into a special fund within the highway fund to be used for the administration of this chapter and are hereby specifically appropriated to the department of public works and highways for that purpose.

249-A:5 Restriction of Advertising. After January 1, 1970, no advertising devices shall be erected or maintained within a federal highway adjacent area except the following:

I. Advertising devices located in a zoned commercial or industrial area and erected and maintained without violation of sections 3, 4, and 6.

II. Advertising devices located in an unzoned commercial or industrial area and erected and maintained without violation of sections 3, 4, and 6, other than such devices located in such an area determined by the commissioner of public works and highways to be predominantly residential.

III. On premise signs which are to be erected and maintained on the property for the purpose of setting forth:

(a) the name and address of the owner, lessee, or occupant of the property;

(b) information required by law to be posted or displayed on the property;

(c) the name of the business or profession conducted on the property, or on identification of the goods or services produced or sold on such property, provided, not more than one such sign, visible to traffic proceeding in any one direction on any one interstate highway, or federal-aid primary highway, and advertising activities being conducted on the real property where the sign is located shall be permitted more than fifty feet from the advertised activity. The name of the activity advertised on signs more than fifty feet from the advertised activity must be displayed as conspicuously as the trade name except that on a federal-aid primary highway a trade name which identifies or characterizes vehicle service, equipment, parts, accessories, fuels, oils or lubricants being offered for sale on the property shall be deemed to identify the activity advertised without the addition of the name of the activity;

(d) advertising devices indicating the sale or leasing of the real property upon which they are placed, provided, not more than one such sign

advertising the sale or lease of the same property shall be permitted in such a manner as to be visible to traffic proceeding in any one direction on any one interstate, or federal-aid primary highway.

IV. Directional, informational or official signs:

(a) within the right-of-way as determined by the commissioner of public works and highways to be in the specific interest of the travelling public and which conform to national standards as promulgated by the secretary of transportation;

(b) off the right-of-way as may be permitted under rules and regulations to be promulgated by the commissioner of public works and highways. Such signs may include signs directing the travelling public to privately owned resorts, hotels, restaurants or other commercial establishments catering to the travelling public where the commissioner of public works and highways determines that such a sign is necessary to the continued operation of such commercial establishment and that traffic safety is best served by providing such a sign to the travelling public thereby avoiding confusion on the part of the motorist. Any such directional sign shall be erected and maintained by the commercial establishment involved under the rules and regulations prescribed by the commissioner.

V. Political signs which are placed within a federal highway adjacent area by supporters of the candidate shall be permitted only so long as their location is donated by the property owner free of charge and shall be subject to removal at any time by the department of public works and highways if such signs create a traffic hazard; provided, the areas allowed shall be restricted to federal-aid primary highways and not interstate highways. The candidate shall cause such political signs to be removed within ten days after the election for which they were created.

VI. No sign which is to be permitted under paragraphs III, IV, and V of this section may be permitted to be erected or maintained, in any manner inconsistent with standards, criteria, and rules and regulations to be promulgated by the commissioner of public works and highways that are necessary in order to meet the requirements of section 131 of title 23, United States Code.

249-A:6 Regulation of Erection and Maintenance of Certain Advertising Devices. Subject to the provisions of sections 3, 4, and 5 and except as otherwise provided in section 8, after January 1, 1970, erection and maintenance of advertising devices located in federal highway adjacent areas, other than such devices permitted under paragraphs III, IV, and V of section 5, shall be governed by the following provisions:

I. General. With respect to advertising devices located in federal highway adjacent areas or in view of any interstate or federal-aid primary highway:

(a) Advertising devices shall not be erected or maintained which

(1) imitate or resemble any official traffic sign, signal or device, or

(2) are structurally unsafe or in disrepair.

(b) An advertising device shall not be maintained without the attachment thereto of a weatherproof label, which label shall be at least thirty-two square inches in size, and shall contain the number of the permit.

(c) An advertising device shall not be maintained unless the name of the permittee appears legibly thereon. Whether a name appears legibly shall be determined by the commissioner of public works and highways in accordance with such standards as he may from time to time prescribe.

II. Size. With respect to advertising devices located in federal highway adjacent areas or in view of any interstate or federal-aid primary highway:

(a) Advertising devices may be erected with, but only with, an area not exceeding seven hundred and fifty square feet and with a maximum height of twenty feet and a maximum length of fifty feet, excluding border and trim, base or apron, supports and other structural members; provided that the commissioner shall permit the maintenance of devices of larger size if lawfully erected prior to the effective date of this chapter and otherwise permitted by the provisions of this chapter.

(b) The maximum size limitations shall apply to each facing. Two advertising devices not exceeding three hundred fifty square feet each may be erected in a facing.

III. Lighting. Advertising devices located in federal highway adjacent areas may be lighted, subject only to such restriction with respect to devices to be erected as may from time to time be prescribed by the commissioner.

IV. Location. With respect to advertising devices located in federal highway adjacent areas:

(a) Advertising devices shall not be erected or maintained in such a manner as to obscure or otherwise physically interfere with an official traffic sign, signal or device or to obstruct or physically interfere with the driver's view of approaching, merging, or intersecting traffic, as determined by the commissioner.

(b) Required spacing for advertising devices to be erected or maintained on one side of an interstate or limited access federal-aid primary highway shall be not less than five hundred feet provided, however, that such spacing shall not apply to devices which are separated by a building or other obstruction in such manner that only one such device is visible from such highway at any one time.

(c) No advertising device may be erected with respect to an interstate or limited access federal-aid primary highway within five hundred feet of an interchange or safety rest area located on the same side of the highway on which such sign might otherwise be erected. For purposes of this paragraph (c) such distance of five hundred feet shall be measured along the edge of the main-travelled way of any such highway from the point of beginning or ending of pavement widening with respect to an exit from, or an entrance to, such main-travelled way, to or from an interchange or a safety rest area, provided, however, that with respect to an interchange which consists of an entrance or an exit only, such distance shall be measured from the center line of the highway intersected by any such highway in the direction from such interchange in which there is no entrance or exit, as the case may be.

(d) Required spacing for advertising devices to be erected or maintained on one side of a nonlimited access federal-aid primary highway in municipalities of four thousand population or more shall be

(1) one hundred feet where the distance between centerlines of two highways intersecting any such highway is less than one thousand feet provided that not more than three devices shall be erected or maintained between such intersecting highways, and

(2) three hundred feet where the distance between center lines of intersecting highways is one thousand feet or more.

(c) Required spacing for advertising devices to be erected or maintained on both sides of a nonlimited access federal-aid primary highway in municipalities of less than four thousand population shall be three hundred feet.

(f) In this paragraph IV the following shall apply: Back-to-back advertising devices, devices erected on a V-type structure and two devices erected in a single facing shall be considered one advertising device. The word "highways" or the words "intersecting highways" shall not include alleys, undeveloped rights of way, private ways or driveways. Distances from advertising devices which are erected or maintained or are able to be erected, or distances to such devices, shall be measured along the edge (nearest to any such devices or any locations in which such devices are able to be erected) of the main-travelled way of an interstate or federal-aid primary highway from or to points on such edge directly opposite such devices or locations. Advertising devices permitted under paragraphs III, IV, and V of section 5 shall not be considered advertising devices for purposes of any measurement or determination made under this paragraph IV or for purposes of any other requirement of this paragraph.

249-A:7 Highways in Juxtaposition. Nothing herein shall prevent an owner of land from using, or permitting the use of, his land for outdoor advertising purposes where said owner's land abuts a highway parallel to, or nearly parallel to and less than six hundred sixty feet from, the edge of right of way of an interstate highway, or federal-aid primary highway, provided that the advertising or informative contents of advertising devices erected and maintained on said land shall not be visible from the main travelled way of the interstate highway, or federal-aid primary highway.

249-A:8 Nonconforming Signs Lawfully Erected. Any advertising device lawfully erected which is located in a federal highway adjacent area or in view of any interstate or federal-aid primary highway and does not conform to sections 5 or 6 or any rule or regulation adopted under this chapter by the commissioner of public works and highways shall not be required to be removed by reason of such nonconformity until the end of the fifth year after it becomes nonconforming. No permit for any advertising device described in this section shall be revoked by reason of the nonconformity of such device with sections 5 or 6 (other than with subparagraphs (a), (b) or (c) of paragraph I of section 6) nor the renewal of a permit for such a device be denied by reason thereof so long as such device is not required to be removed; nor shall any license be revoked or denied, or the renewal thereof be denied, by reason of the nonconformity of such devices not required to be removed. Notwithstanding the foregoing provisions of this section, no advertising device which does not conform to sections 5 or 6 or any rule or regulation adopted under this chapter, the removal of which device would require just compensation to be paid pur-

suant to section 11 to the owner of the advertising device and/or the owner of the land on which the device is located, shall be required to be removed at any time if the federal share of just compensation to be paid under section 131 of Title 23 United States Code upon removal of such advertising device is not available to make such payment.

249-A:9 Denial or Revocation of License or Permit; Nuisances; Orders for Removal. A license under this chapter may be denied or revoked, or a renewal denied, only for false or misleading information given in the application for such license or renewal, or for the erection or maintenance of advertising devices in violation of the provisions of this chapter or rules and regulations of the commissioner of public works and highways adopted pursuant hereto by the licensee or the applicant for such license or renewal thereof. A permit under this chapter may be denied or revoked, or a renewal denied, only for failure to obtain or have a license, for false or misleading information given in the application for such permit or renewal, or for the erection or maintenance of the advertising device permitted or to be permitted in violation of the provisions of this chapter or rules and regulations of the commissioner adopted pursuant hereto by the permittee or the applicant for such permit or renewal thereof. Denial or revocation of a license or permit, or renewal thereof, may be made only after hearing before the commissioner upon thirty days' notice in writing to the licensee or permittee or applicant for such license or permit, or renewal thereof. The licensee or permittee or such applicant may within such thirty days correct such information or violation in which case the license or permit shall not be denied or revoked or a renewal denied. If revocation of a license or a permit or a determination that there should be a denial of issuance of a license or permit, or renewal thereof, is made after such a hearing the licensee or permittee, or applicant for such license or permit, or renewal thereof, shall have a right to a rehearing and a right of appeal as provided in RSA 541. Any advertising device erected or maintained in violation of this chapter or the rules and regulations of the commissioner adopted pursuant hereto other than such a device described in section 8 or which is maintained under permit shall be deemed a nuisance. A determination that an advertising device is a nuisance and an order for its removal shall be made by the commissioner only after a hearing upon thirty days' notice in writing to the owner of such device, provided, however, that such a determination and order for removal may be made without a hearing and without notice where a permit for such a device has been revoked or denied or renewal of such permit has been denied. If the commissioner cannot reasonably ascertain the name and address of the owner of the device, notice may be given by three publications of notice in a newspaper in the county where the device is located once in each week for three successive weeks, the last publication to be at least thirty days prior to such hearing. The owner of the device may within such thirty days correct any violation of the provisions of this chapter or the rules and regulations of the commissioner adopted pursuant hereto, and in such case the device shall not be required to be removed and no hearing will be held. Application for a license or permit within such thirty days shall be deemed a correction of any failure to obtain such a license or permit. If a determination that an advertising device is a nuisance is made after such a hearing, the owner of

such device shall have a right to a rehearing and a right of appeal as provided in RSA 541. Notwithstanding any provisions of said chapter 541, no advertising device shall be required to be removed prior to a final determination that the license or permit should be denied or revoked or renewal thereof denied or that such device is a nuisance.

249-A:10 Removal. After an order for removal has become final, the owner of the advertising device may remove it at his own expense. If such device has not been removed within thirty days after such an order has become final, the commissioner of public works and highways, or his duly authorized agents, may enter upon the property where it is located and remove it without incurring any liability by reason of such entry and at the expense of such owner.

249-A:11 Just Compensation.

I. Just compensation shall be paid to the owner of the advertising device and to the owner of the land upon which it is located upon the removal, on or after the effective date of this section, of any such device required to be removed by reason of nonconformity with the provisions of this chapter which is lawfully existing on January 1, 1970 or lawfully erected thereafter, provided no compensation shall be paid to the owner of any advertising device or to the owner of the land on which it is located if the reason for removal was failure to obtain a license or permit pursuant to sections 3 and 4 of this chapter.

II. Each such removal, whether by the owner of the advertising device, by the commissioner of public works and highways, or otherwise, shall be deemed to constitute a taking by the state of the following:

(a) From the owner of such device, all right, title and interest in and to such device, and his leasehold related thereto; provided

(b) From the owner of the real property on which such device is located, the right to erect and maintain such device.

III. The foregoing right to compensation of the owner of land shall be in lieu of any right to receive or retain rental from the owner of such device for the sign location for the period after removal of such device, and such right to receive or retain rental shall terminate upon such removal. No compensation shall be required to be paid to the owner of the land if he did not receive rental compensation from the owner of the permitted advertising device for five years prior to removal.

IV. Such compensation shall be paid to the person or persons entitled thereto upon presentation to the commissioner of such information as he may reasonably require, provided that the claim for compensation is filed within ninety days after removal is completed.

V. If the commissioner and a claimant do not reach agreement on the amount of compensation payable to such claimant in respect to any removal within one hundred twenty days after the filing of such claim, the claimant may institute an action to have such compensation determined as an assessment of damages suffered by the claimant as of the date of the removal. Such an action shall be instituted by filing a petition for assessment of damages in the superior court, in the county wherein the advertising device

and land are located, or wherein the claimant resides or has its principal place of business in this state. The petition shall be filed no later than one year after the filing with the commissioner of such compensation claim. The court shall assess the damages by jury, or by the court without the jury, and award interest from the date as of which damages are assessed, and costs, to the claimant.

VI. In calculating just compensation to be paid to the owner of an advertising device required to be removed by reason of nonconformity with section 5 of this chapter after January 1, 1975, it is intended that the five year period of nonconforming use shall be considered as whole or partial compensation to said owner for his loss. It is further intended that, in calculating just compensation to the owner of land for which rental compensation has been paid for the five preceding years, such rental income during the period of nonconforming use be taken into consideration as whole or partial compensation.

249-A:12 Penalty. Whoever erects or maintains an advertising device in violation of the provisions hereof and required to be removed shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars nor more than one thousand dollars.

249-A:13 Acceptance of Federal Funds. The commissioner of public works and highways may accept any allotment of funds by the United States, or any department or agency thereof, for the foregoing purposes.

249-A:14 Agreement with United States Secretary of Transportation Relating to the Erection of Advertising Devices. The commissioner of public works and highways may enter into agreements with the secretary of transportation or appropriate federal official of the United States as provided by section 131 of the title 23, United States Code provided that any such agreement shall be consistent with, and not more restrictive than, the provisions of this chapter. Any expenditures of money by the commissioner in connection with agreements authorized by the section shall be payable from any funds available to the commissioner.

249-A:15 Regulations. Rules and regulations may be adopted under this chapter by the commissioner of public works and highways. Any such rules and regulations shall be reasonable, and consistent with, and not more restrictive than, the provisions of this chapter and consistent with customary use in this state. Prior to the adoption, amendment or repeal of any rule or regulation under this chapter the commissioner shall give notice to licensees hereunder in such form as he deems proper unless such rule or regulation shall exclusively relate to on premise signs or directional, informational or official signs or political signs and such other notice as he deems proper and afford interested persons an opportunity to present data, views or arguments. If the commissioner finds that oral presentation is unnecessary or impracticable, he may require that presentation be made in writing. Judicial review of any such rule or regulation may be had by a licensee or other interested person through a petition for declaratory relief in the superior court in the county wherein the petitioner resides or has its principal place of business in this state in the manner and to the extent provided under RSA 491:22. The commissioner shall make available

such rules and regulations for distribution to any licensee or other person interested without charge or such charge not more than cost as the commissioner may prescribe.

249-A:16 Separability. If any provisions of this chapter or the application of such provisions to any person or circumstances shall be held invalid, the validity of the remainder of this chapter and applicability of such provision to other persons or circumstances shall not be affected thereby.

249-A:17 Information Sites. The commissioner of public works and highways shall, in consultation with the secretary of transportation or appropriate federal official of the United States as provided by subsection (f) of section 131 of title 23, United States Code, provide within the rights-of-way for areas at appropriate distances from interchanges on the interstate system, on which signs, displays and devices giving specific information in the interest of the traveling public may be erected and maintained. Such signs shall conform to national standards.

429:2 Initial Licenses and Permits. Notwithstanding any provisions of this chapter to the contrary, no licenses or permits required by RSA 249-A as amended by section 1 of this chapter shall be required prior to January 1, 1970. On or after January 1, 1970 no person shall erect or maintain advertising devices in federal highway adjacent areas or in view of any interstate or federal-aid primary highway other than such devices described in paragraphs III and IV of RSA 249-A:5 as so amended without such a license and such a permit for each such device as provided in RSA 249-A:3-4 as so amended. If applications for such licenses and permits are filed with the commissioner of public works and highways on or before December 1, 1969, such devices maintained on January 1, 1970 by persons who have filed the required applications shall be deemed to be maintained under valid licenses and permits if such applications have not been denied. Licenses and permits granted prior to April 1, 1971 shall expire on April 1, 1971. Applications and fees shall be as prescribed in RSA 249-A:3-4 as amended by section 1 of this chapter, but only one such fee need be paid for each license or permit obtained prior to April 1, 1971, regardless of the duration of the license or permit. Denial of an application for such a license or permit, or revocation thereof, shall be made as provided in RSA 249-A:9 as amended by section 1 of this chapter and have the same effect as in RSA 249-A as so amended. All other provisions of said RSA 249-A with respect to licenses and permits and the erection and maintenance of advertising devices thereunder shall be applicable to licenses and permits obtained prior to April 1, 1971, insofar as they are not inconsistent herewith. Words and terms used in this section 2 shall have the same meaning as in RSA 249-A as so amended.

429:3 Moratorium on New Signs. Amend the introductory paragraph of 1967, 423:1 by striking out the same and inserting in place thereof the following: Notwithstanding any other provision to the contrary, until January 1, 1970, no new outdoor advertising sign, display, or device shall be erected after the effective date of this act in any areas which are adjacent to and within six hundred sixty feet of the nearest edge of the right-of-way of any interstate or federal-aid primary highway, except the following:

429:4 Effective Date. Section 1 of this act shall take effect January 1, 1970. Section 2 of this act shall take effect sixty days after passage of this act. Section 3 of this act shall take effect upon its passage. Nothing herein contained shall prevent the commissioner of public works and highways from entering into any agreement authorized by section 14 of RSA 249-A as amended by this act prior to January 1, 1970, provided such agreement shall not be effective prior to said date.

[Approved July 3, 1969.]

[Effective date Section 1 of this act shall take effect January 1, 1970. Section 2 shall take effect September 1, 1969. Section 3 shall take effect July 3, 1969. Nothing herein contained shall prevent the commissioner of public works and highways from entering into any agreement authorized by section 14 of RSA 249-A as amended by this act prior to January 1, 1970, provided such agreement shall not be effective prior to said date.]

CHAPTER 430.

AN ACT AUTHORIZING A NEW CLASS OF REVENUE BONDS FOR THE INDUSTRIAL DEVELOPMENT AUTHORITY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

430:1 Revenue Bonds of the Industrial Development Authority. Amend RSA 162-A:12 (supp) as inserted by 1955, 254:12 and amended by 1957, 237:1; 1959, 142:1; 1961, 263:12; 1963, 155:5 and 1967, 308:6 by inserting in line twenty-four after the word "projects" the following (Any revenue bonds issued by the authority which, by the terms of repayment, are not an obligation of the authority or the state but are entirely supported and guaranteed by the revenue contract of a leasing corporation, shall not be included in determining the maximum amount of notes and bonds authorized herein) so that said section as amended shall read as follows: **162-A:12 Debt Limitation.** The authority may issue bonds and notes as follows: (1) The authority may issue bonds or notes in an amount not to exceed five million dollars at any one time, of which amount not more than four million dollars shall be in connection with industrial projects and not more than one million dollars shall be in connection with projects for recreational facilities. (2) In addition to bonds and notes permitted under paragraph (1) above, the authority may issue bonds and notes in an amount not exceeding five million dollars at any one time on industrial facilities to be used for the following purposes: (a) For loans which shall not exceed thirty percent of the appraised value of the industrial facility for which the loan is made. Payment of bonds or notes so issued may be subordinated to loans made by lending institutions operating under state or national charters. Such loans by the authority shall provide for amortization and interest rates at least equal to the terms contained in the loans made by the private lending institution and shall be secured by a second mortgage on the industrial facility. (b) For loans which may be made in participation with lending institutions operating under state or national charters, but such partici-

pation shall not exceed fifty percent of the total granted by such institution and any such loan shall be secured by a first mortgage on said industrial facilities. Loans made under paragraph (2) hereof shall be limited to borrowers whose industrial facilities are located in New Hampshire and which have been displaced, acquired or condemned under federal, state, county or municipal redevelopment, rehabilitation and highway projects. Any revenue bonds issued by the authority which, by the terms of repayment, are not an obligation of the authority or the state but are entirely supported and guaranteed by the revenue contract of a leasing corporation, shall not be included in determining the maximum amount of notes and bonds authorized herein.

430:2 Covenants. Amend RSA 162-A:6 (13-a) (supp) as inserted by 1967, 308:5 by striking out said paragraph and inserting in place thereof the following:

(13-a) to acquire in the name of the authority title to an industrial facility by issuing revenue bonds or other such evidences of indebtedness or obligations of the authority secured by lease in which (a) adequate provision has been made for the payment by the lessee of the cost of the construction of such industrial facility so that under no circumstances will state treasury funds, appropriations, or other public funds of the industrial development authority or of the state be obligated directly or indirectly for the payment of the cost of construction of such industrial facility, or for the payment of the principal of, or interest on, any obligations issued to finance such construction, and (b) adequate provision has been made for the payment of all costs of operation, maintenance, and upkeep of such industrial facility by the lessee, sublessee or occupant so that under no circumstances will state treasury funds, appropriations, or other public funds of the industrial development authority or of the state be obligated directly or indirectly, for the payment of such costs; and to lease, sell and convey at public or private sale, with or without advertisement, all or any part of any industrial facility acquired by it, and to do all acts necessary to the accomplishment of such lease, sale, or conveyance. The authority may in the resolution authorizing prospective issues provide as to bonds authorized by this paragraph:

- (a) the manner of executing the bonds and coupons;
- (b) the form and denomination thereof;
- (c) maturity dates thereof;
- (d) the interest rates thereon;
- (e) for redemption prior to maturity and the premium payable therefor;
- (f) the place or places for the payment of interest and principal;
- (g) for registration if the authority deems such to be desirable;
- (h) for the pledge of all or any of the revenue for securing payment;
- (i) for the replacement of lost, destroyed or mutilated bonds;
- (j) the setting aside of reserve and sinking funds and the regulation and disposition thereof;
- (k) for limitation on the issuance of additional bonds;

(l) for the procedure, if any, by which the contract with the bondholder may be abrogated or amended;

(m) for the manner of sale and purchase thereof;

(n) for covenants against pledging of any of the revenue derived from the lease;

(o) for covenants as to the rights, liabilities, powers and duties arising upon the breach by the authority of any covenant, condition or obligation;

(p) for covenants as to the bonds to be issued and as to the issuance of said bonds in escrow and otherwise and as to the use and disposition of the proceeds thereof;

(q) for covenants as to the use of its property and the maintenance and replacement thereof and the insurance to be carried thereon and the use and disposition of the insurance money;

(r) for limitations upon the exercise of the powers conveyed upon the authority by this act;

(s) for the issuance of such bonds in series thereof, and

(t) for performance by the authority of any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds or in the absolute discretion of the authority as will tend to make the bonds more marketable, notwithstanding that such acts or things may be enumerated therein.

430:3 Effective Date. This act shall take effect upon its passage.

[Approved July 3, 1969.]

[Effective date July 3, 1969.]

CHAPTER 431.

AN ACT RELATIVE TO SMALL LOANS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

431:1 Repeal. Paragraph VIII of RSA 399-A:3 as inserted by 1961, 245:1 and amended by 1967, 416:6, relative to interest charges, is hereby repealed.

431:2 Small Loans. Amend RSA 399-A:9, as inserted by 1961, 245:1 and amended by 1967, 416:10 by striking out said section and inserting in place thereof the following: **399-A:9 Other Business in the Same Office.** Each licensee shall, on or before August first of each year, file with the commissioner a report of operations of any other business pertaining to money lending conducted in the same office for the preceding fiscal year. Such report shall give information with respect to the financial condition of the business and shall include balance sheets, a statement of income and expenses for the period, and the system used to prorate expenses with the licensed company. Any licensee failing to make the report required by this section within the time prescribed shall pay to the commissioner the sum of five dollars for each day said report is overdue. If a licensee elects to file a composite report and such composite report is not filed on or before August

first as herein required, the penalty herein prescribed shall apply separately for each other business in the same office as a small loan licensee. Penalties collected hereunder shall be credited to the fund established under section 13.

431:3 Other Exceptions. Amend RSA 399-A:8, as inserted by 1961, 245:1, by striking out said section and inserting in place thereof the following: **399-A:8 Loans Made Elsewhere.** Any loan made outside this state in the amount of five thousand dollars or less, as permitted by the laws of the state in which the loan was made, may be collected in this state in accordance with its terms.

431:4 Charges. Amend RSA 399-A:10, as inserted by 1961, 245:1, by striking out said section and inserting in place thereof the following: **399-A:10 Recording Fees.** No charge for any examination, service, brokerage, commission, or other thing or otherwise, shall be directly or indirectly made, contracted for, except the lawful fees, if any, actually and necessarily paid out by the licensee to any public officer, for filing or recording in any public office any instrument securing the loan, which fees may be collected when the loan is made, or at any time thereafter and except the reasonable cost, charges, and expenses (including court costs) actually incurred in connection with a repossession of the security or an actual sale of the security in foreclosure proceedings or upon entry of judgment.

431:5 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 432.

AN ACT ESTABLISHING THE GOVERNOR'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

432:1 New Chapter. Amend RSA by inserting after chapter 275-A as inserted by 1965, 130:1 the following new chapter:

Chapter 275-B

Governor's Committee on Employment of the Handicapped

275-B:1 Committee Established. There is hereby established a committee to be known as the Governor's Committee on Employment of the Handicapped.

275-B:2 Terms Defined. The term "handicapped persons" as used herein shall mean the physically handicapped, the mentally retarded and those emotionally restored.

275-B:3 Membership. The committee shall be composed of a minimum of twelve members appointed by the governor and such additional

members as the governor may appoint. Insofar as practicable, the committee shall consist of representatives of industry, labor, business, agriculture, federal, state, and local government, representatives of religious, charitable, fraternal, civic, educational, medical, legal, veteran, welfare, women's and other professional groups including organizations of the handicapped. Members shall be appointed representing every geographic and employment area of the state.

275-B:4 Ex Officio Members. The following shall serve as ex officio members of the committee: (1) the commissioner of health and welfare, (2) the chief of the division of vocational rehabilitation of the department of education, (3) the supervisor of blind services of the department of health and welfare, (4) the commissioner of labor, (5) the commissioner of the department of employment security, and (6) a member of the state board of education designated by the governor.

275-B:5 Term. Members of the committee appointed by the governor shall serve for a term of two years except that when the first appointments are made, one half shall be appointed to serve for one year and one half be appointed to serve for two years. Vacancies on the committee shall be filled for the unexpired term. Members whose terms expire may be reappointed.

275-B:6 Officers. The governor shall appoint a committee chairman and a vice-chairman and such other officers as he deems necessary, giving preference in each case to physically handicapped persons. Such officers shall serve until their successors are appointed and qualified. Members of the committee shall receive no compensation for their services.

275-B:7 Duties. The committee shall:

I. Carry on a continuing program to promote the employment of handicapped persons;

II. Co-operate with all public and private agencies interested in the employment of the handicapped;

III. Co-operate with all agencies responsible for or interested in the rehabilitation and placement of the handicapped;

IV. Encourage the organization of committees at the community level and work closely with such committees in promoting the employment of the handicapped;

V. Assist in developing employer acceptance of qualified handicapped workers;

VI. Inform handicapped persons of specific facilities available in seeking employment;

VII. Conduct such educational programs as members deem necessary;

VIII. Report annually to the governor and general court on committee activities and submit any recommendations believed necessary to promote the employment of handicapped persons.

275-B:8 Executive Secretary. Committee officers shall appoint an executive secretary and designate the duties and obligations of the position. Any person so employed may be the employee of another agency of state government appointed with the consent of the executive officer of such

agency. The officers shall appoint such other personnel as may be necessary for the efficient performance of the duties prescribed by this chapter.

275-B:9 Gifts, Grants, or Donations. The committee is authorized to receive any gifts, grants, or donations made for any of the purposes of its program and to disburse and administer the same in accordance with the terms thereof.

432:2 Effective Date. This act shall take effect July 1, 1969.

[Approved July 3, 1969.]

[Effective date July 1, 1969.]

CHAPTER 433.

AN ACT RELATIVE TO HABITUAL OFFENDERS OF MOTOR VEHICLE PROVISIONS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

433:1 Motor Vehicles. Amend RSA by inserting after chapter 262-A the following new chapter:

Chapter 262-B Habitual Offenders

262-B:1 Declaration of Policy. It is hereby declared to be policy of New Hampshire:

I. To provide maximum safety for all persons who travel or otherwise use the public highways of the state; and

II. To deny the privilege of operating motor vehicles on such highways to persons who by their conduct and record have demonstrated their indifference for the safety and welfare of others and their disrespect for the laws of the state, the orders of her court and the statutorily required acts of her administrative agencies; and

III. To discourage repetition of criminal acts by individuals against the peace and dignity of the state and her political subdivisions and to impose increased and added deprivation of the privilege to operate motor vehicles upon habitual offenders who have been convicted repeatedly of violations of traffic laws.

262-B:2 Definition. An habitual offender shall be any person, resident or nonresident, whose record, as maintained in the office of the division of motor vehicles, shows that such person has accumulated the convictions for separate and distinct offenses, described in paragraph I, II and III, of this section, committed within a ten year period, provided that where more than one included offense shall be committed within a six hour period such multiple offenses shall, on the first such occasion, be treated for the purposes of this chapter as one offense provided the person charged has no record of prior offenses chargeable under this chapter, and provided further the date of the offense most recently committed occurs on or after the effective date

of this chapter and within ten years of the date of all other offenses the conviction for which is included in paragraphs I, II or III, as follows:

I. Three or more convictions, singularly or in combination of the following separate and distinct offenses arising out of separate acts.

(a) Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle;

(b) Driving or operating a motor vehicle while under the influence of intoxicants or drugs in violation of RSA 262-A:62;

(c) Driving or operating a motor vehicle in a reckless manner in violation of RSA 262-A:61;

(d) Driving a motor vehicle while his license, permit or privilege to drive a motor vehicle has been suspended or revoked in violation of RSA 262:27-b;

(e) Wilfully operating a motor vehicle without a license so to do;

(f) Knowingly making any false affidavit or swearing or affirming falsely to any matter or thing required by the motor vehicle laws or as to information required in the administration of such laws;

(g) Any offense punishable as a felony under the motor vehicle laws of New Hampshire or any felony in the commission of which a motor vehicle is used;

(h) Failure of the driver of a motor vehicle involved in an accident resulting in the death or injury of any person to stop close to the scene of such accident and report his identity in violation of RSA 262-A:67;

(i) Failure of the driver of a motor vehicle involved in an accident resulting only in damage to an attended or unattended vehicle or other property in excess of one hundred dollars to stop close to the scene of such accident and report his identity or otherwise report such accident in violation of law.

II. Twelve or more convictions of separate and distinct offenses, singularly or in combination, in the operation of a motor vehicle which are required to be reported to the division of motor vehicles and the commission whereof authorizes the division of motor vehicles or authorizes a court to suspend or revoke the privilege to operate motor vehicles on the highways of this state for a period of thirty days or more and such convictions shall include those offenses enumerated in paragraph I when taken with and added to those offenses described herein.

III. The offenses included in paragraphs I and II hereof shall be deemed to include offenses under any valid town, city or county ordinance paralleling and substantially conforming to the state statutory provisions cited in paragraphs I and II hereof and all changes in or amendments thereof, and any federal law, any law of another state or any valid town, city or county ordinance of another state substantially conforming to the aforesaid state statutory provisions.

262-B:3 Transcript. The director of the division of motor vehicles shall certify, three transcripts or abstracts of the conviction record as maintained in the office of the division of motor vehicles of any person whose record brings him within the definition of an habitual offender, as defined

in section 2 to the attorney general. Such transcript or abstract may be admitted as evidence. Such transcript or abstract shall be prima facie evidence that the person named therein was duly convicted, by the court wherein such conviction or holding was made, of each offense shown by such transcript or abstract; and if such person shall deny any of the facts as stated herein, he shall have the burden of proving that such is untrue.

262-B:4 Prosecution. The attorney general, upon receiving the aforesaid transcripts or abstracts from the director, shall forthwith file information against the person named therein in the superior court having jurisdiction of criminal offenses in the political subdivision in which such person resides. In the event such person is a nonresident of this state, the attorney general shall file information against the accused person in the superior court of the county of Merrimack.

262-B:5 Procedure.

I. The court in which such information is filed shall enter an order, which incorporates the aforesaid transcript or abstract and is directed to the person named therein, to show cause why he should not be barred from operating a motor vehicle on the highways of this state. A copy of the show cause order and such transcript or abstract shall be served on the person named therein in the manner prescribed by law for the service of notices. Service thereof on any nonresident of the state may be made by the director of the division of motor vehicles in the same manner as in any action or proceeding arising out of a collision on the highways of this state in the manner provided in RSA 264:1, which are hereby made applicable to these proceedings, and the state shall pay a fee of five dollars to the director for making such service and such fee shall be taxed against the defendant as a part of the cost of such proceeding.

II. If such person denies he was convicted of any offense necessary for a holding that he is an habitual offender, and if the court cannot, on the evidence available to it, make such determination, the court may certify the decision of such issue to the court in which such conviction was made. The court to which such certification is made shall forthwith conduct a hearing to determine such issue and send a certified copy of its final order determining such issue to the court in which such information was filed.

III. If the court finds that such person is not the same person named in the aforesaid transcript or abstract, or that he is not an habitual offender under this chapter, the proceeding shall be dismissed; but if the court finds that such person is the same person named in the aforesaid transcript or abstract and that such person is an habitual offender, the court shall so find and by appropriate order direct such person not to operate a motor vehicle on the highways of the state of New Hampshire and to surrender to the court all licenses or permits to operate a motor vehicle on the highways of this state for disposal. The clerk of the court shall file with the division of motor vehicles a copy of such order which shall become a part of the permanent records of the division.

262-B:6 Prohibition. No license to operate motor vehicles in New Hampshire shall be issued to an habitual offender:

I. For a period of four years from the date of the order of the court finding such person to be an habitual offender;

II. Until such time as financial responsibility requirements are met, and

III. Until the privilege of such person to operate a motor vehicle in this state has been restored by an order of a court of record entered in a proceeding as hereinafter provided.

262-B:7 Penalty.

I. It shall be unlawful for any person to operate any motor vehicle in this state while the order of the court prohibiting such operation remains in effect. Any person found to be an habitual offender under the provisions of this chapter who is thereafter convicted of operating a motor vehicle in this state while the order of the court prohibiting such operation is in effect, shall be punished by imprisonment in the state prison not less than one nor more than five years and no portion of such sentence shall be suspended, except that in cases wherein such operation is necessitated in situations of apparent extreme emergency which require such operation to save life or limb, said sentence, or any part thereof may be suspended.

II. For the purpose of enforcing this section, in any case in which the accused is charged with driving a motor vehicle while his license, permit or privilege to drive is suspended or revoked or is charged with driving without a license, the court before hearing such charge shall determine whether such person has been held an habitual offender and by reason of such holding is barred from operating a motor vehicle on the highways of this state. If the court determines the accused has been so held, it shall certify the case to the superior court of the county for trial.

262-B:8 Restoration of License. At the expiration of four years from the date of any final order of a court entered under the provisions of this chapter finding a person to be an habitual offender and directing him not to operate a motor vehicle in this state, such person may petition the court in which he was found to be an habitual offender, or any superior court in New Hampshire having jurisdiction in the political subdivision in which such person then resides, for restoration of his privilege to operate a motor vehicle in this state. Upon such petition, and for good cause shown, such court may, in its discretion, restore to such person the privilege to operate a motor vehicle in this state upon such terms and conditions as the court may prescribe, subject to other provisions of law relating to the issuance of operators' licenses.

262-B:9 Appeal. An appeal to the supreme court of New Hampshire may be had from any final action or order of a superior court entered under the provisions of this chapter in the same manner and form as such an appeal would be noted, perfected and tried in any criminal case.

262-B:10 Existing Law. Nothing in this chapter shall be construed as amending, modifying or repealing any existing law of New Hampshire or any existing ordinance of any political subdivision relating to the operation or licensing of motor vehicles, the licensing of persons to operate motor vehicles or providing penalties for the violation thereof; or shall be con-

strued so as to preclude the exercise of the regulatory powers of any division, agency, department or political subdivision of the state having the statutory power to regulate such operation and licensing.

433:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 434.

AN ACT RELATIVE TO THE ACQUISITION OF CERTAIN LAND IN THE TOWN OF
WINCHESTER FOR THE SOUTHWESTERN STATE PARK.

Be it Enacted by the Senate and House of Representatives in General Court convened:

434:1 Acquisition Prohibited. Notwithstanding any other provision of law to the contrary, neither the division of parks, nor the governor and council, nor any other agency of the state, shall acquire for the purposes of the southwestern state park any part of the right of way of that portion of Chesterfield Road or John Hill Road in the town of Winchester which is paved.

434:2 Voter Approval. The selectmen of the town of Winchester shall, when requested by the director of the division of parks, place in the warrant for any annual town meeting an article under which the voters shall vote, by ballot, whether they are in favor of the division of parks acquiring the right of way for any part of the Chesterfield Road or the John Hill Road in said town for the purposes of the southwestern state park. If a majority of those voting on the question, vote in favor of the division of parks acquiring said right of way, the state may acquire the same, notwithstanding section 1 of this act. The town clerk shall within ten days of any such vote certify to the secretary of state the results thereof.

434:3 Effective Date. This act shall take effect upon its passage.

[Approved July 3, 1969.]

[Effective date July 3, 1969.]

CHAPTER 435.

AN ACT PROVIDING FOR THE LICENSING OF CERTAIN UNORDAINED CLERGYMEN TO
PERFORM MARRIAGES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

435:1 Marriages. Amend RSA 457:31 by striking out the same and inserting in place thereof the following: **457:31 Who May Solemnize.** Marriage may be solemnized by a justice of the peace as commissioned in the

state; by any minister of the gospel in the state who has been ordained according to the usage of his denomination, resides in the state, and is in regular standing with the denomination; by any clergyman who is not ordained but is engaged in the service of the religious body to which he belongs, resides in the state, after being licensed therefor by the secretary of state; and within his parish, by any minister residing out of the state, but having a pastoral charge wholly or partly in this state.

435:2 License. Amend RSA 457 by inserting after section 31 the following new section: **457:31-a Secretary of State.** The secretary of state may issue a license to a clergyman who is a resident of this state and who is not ordained but is a member of and engaged in the service of a religious body which is chartered by the state. Said license shall authorize him to solemnize marriage in this state. The fee for such license shall be five dollars.

435:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 436.

AN ACT TO PROVIDE FOR THE FILING OF AIRCRAFT INSURANCE POLICIES WITH THE
INSURANCE COMMISSIONER.

Be it Enacted by the Senate and House of Representatives in General Court convened:

436:1 New Chapter. Amend RSA by inserting after chapter 414 the following new chapter:

Chapter 414-A

Filing of Aircraft Insurance Policies

414-A:1 Policies to be Filed with Commissioner. Every insurance company which issues insurance on hulls of aircraft, including their accessories and equipment, and liability resulting from the ownership, use or maintenance of aircraft shall file with the insurance commissioner a copy of the form of the policy containing the insurance contract covering such losses and all printed endorsements that may be attached thereto. An insurance company authorized to insure against such losses shall not issue a policy covering such losses until thirty days after it has filed the form of the policy, unless the commissioner sooner gives his written approval of the policy.

414-A:2 Penalties. Any insurer wilfully violating any of the provisions of this chapter may be fined not more than five hundred dollars. The commissioner may suspend or revoke the license of any insurer or organization for any violation of this chapter or the failure to comply with an order of the commissioner issued under this chapter.

414-A:3 Hearing and Appeal. Any insurer or organization aggrieved by any order or decision of the commissioner is entitled to a rehearing and appeal under RSA 541.

436:2 Policies Now in Effect. This act shall apply only to policies issued after its effective date.

436:3 Retroactivity. Amend Laws of 1969, 283:12 by inserting in line three after the word "insurance" the following (or to amend its charter or articles of agreement) so that said section as amended shall read as follows:
283:12 Retroactivity. Every insurance company which possesses a valid license to transact insurance in this state on the effective date of this act may continue to transact insurance, or to amend its charter or articles of agreement, so long as the commissioner shall regard it as safe, reliable, and entitled to confidence; and it maintains the minimum financial requirements in effect on May 1, 1969. Provided, however when such insurance companies apply for additional underwriting powers, they shall meet the minimum financial requirements in effect at the time such application is approved or denied by the insurance commissioner of this state.

436:4 Effective Date. This act shall take effect upon passage.

[Approved July 3, 1969.]

[Effective date July 3, 1969.]

CHAPTER 437.

AN ACT PROVIDING FOR THE CANCELLATION WITHOUT PENALTY OF RETAIL INSTALLMENT SALE AGREEMENTS ARISING FROM DOOR-TO-DOOR SOLICITATION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

437:1 Cancellation of Retail Installment Sales Agreements. Amend RSA by inserting after chapter 361-A the following new chapter:

Chapter 361-B Retail Installment Selling

361-B:1 Definition: "Home solicitation sale" means a sale of goods or services in which (a) the purchase price is payable in installments, (b) the seller, his representative, or a person acting for him engages in a personal solicitation of the sale at a place other than a place of business of the seller, and (c) the buyer's agreement or offer to purchase is given to the seller, his representative, or a person acting for him at a place other than a place of business of the seller. A sale which otherwise meets the definition of a home solicitation sale except that it is a cash sale shall be deemed to be a home solicitation sale if the seller makes or provides a loan to the buyer or obtains or assists in obtaining a loan for the buyer to pay the purchase price.

361-B:2 Notice.

I. A home solicitation sale contract shall bear a notice printed immediately following the place for the buyer's signature in boldface type at least two points larger than the text of the agreement with a minimum size of twelve points with the caption in capitals as follows: NOTICE TO THE BUYER.

1. You are entitled to cancel this agreement before midnight of the fourth (4th) day after the date of your signature on this agreement by sending a written notice of cancellation to the seller, by certified mail, return receipt requested. The address to which notice of cancellation is to be mailed is

2. In the event you cancel, the seller must return to you within ten (10) days of his receipt of your notice of cancellation: (1) any payments made and (2) any goods or other property received as a trade-in (or a sum equal to the amount of a trade-in allowance given therefor), and (3) any note or other evidence of indebtedness, given by you to the seller pursuant to or in connection with the agreement. After cancellation the seller is entitled to receive back from you, at your address, any goods previously delivered by him to you, providing he has returned any payments and goods or other property received from you.

3. If the seller does not call for his goods at your address within twenty (20) days after you have given notice of cancellation, you may keep them as your own.

II. In the event that the seller does not comply with paragraph I, the buyer shall have until midnight of the fourth day following the date of compliance by the seller to cancel the sale.

361-B:3 Cancellation of home solicitation sales.

I. In addition to any other right the buyer may have, the buyer has the right to cancel any home solicitation sale contract if notice of cancellation is mailed by certified mail, return receipt requested, to seller at its business address shown on the contract and postmarked before midnight of the fourth day after the date of signature of such contract by the buyer. Notice of cancellation given by the buyer shall be effective if it indicates the intention on the part of the buyer not to be bound by the sale.

II. If the sale is cancelled, the seller shall return to the buyer within ten days of receipt of such notice of cancellation any payments made, any goods or other property traded in (or a sum equal to the amount of a trade-in allowance given therefor), and any note or other evidence of indebtedness given by the buyer to the seller in connection with the sale.

III. Upon cancellation of the contract and performance by the seller under paragraph II of this section, the buyer shall make available to the seller any goods delivered to the buyer but the buyer is not obligated to tender such goods at any place other than the buyer's own address. If the seller fails to demand possession within a reasonable period not to exceed twenty days after cancellation, the goods shall become the property of the buyer without any obligation to pay for such goods. During such period of time after cancellation the buyer shall have a duty of reasonable care of such goods but except for such duty the goods shall be held at the seller's risk.

437:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 438.

AN ACT TO REQUIRE PUBLIC HEARINGS PRIOR TO THE VOTE ON BOND ISSUES, OR
SHORT TERM NOTE ISSUES TO BE REPAYED BY SAID BOND ISSUES,
OF CERTAIN MUNICIPALITIES.

*Be it Enacted by the Senate and House of Representatives in General Court
convened:*

438:1 Hearings Required. Amend RSA 33 by inserting after section 8 the following new section: **33:8-a Hearing to be Held.** There shall be a public hearing concerning any proposed issuance of municipal bonds or notes in excess of twenty thousand dollars held before the governing body of any municipality except a city at which interested citizens shall have an opportunity to be heard. Said public hearing shall be held at least fifteen days prior to the meeting at which the issuance of municipal bonds or short term notes is to be voted upon. Notice of the time, place, and subject of such hearing shall be published in a newspaper of general circulation in the municipality at least fifteen days before it is held. At the said public hearing the governing body shall by majority vote determine the final form and amount of the proposed bond or note issue as it shall be presented to the voters for approval pursuant to the provisions of RSA 33:8.

438:2 Printed Ballots. Amend RSA 33:8 by striking out said section and inserting in place thereof the following: **33:8 Town or District Bonds or Notes.** Except as otherwise specifically provided by law, the issue of bonds or notes in excess of twenty thousand dollars by any municipal corporation, except a city, shall be authorized by a vote of two thirds, and the issue of tax anticipation notes, by a vote of a majority, of all the voters present and voting at an annual or special meeting of such corporation, called for the purpose; provided, however, that no such action taken at any special meeting shall be valid unless a majority of all the legal voters are present and vote thereat, unless the governing body of any municipality shall petition the superior court for permission to hold an emergency special meeting, which, if granted, shall give said special meeting, the same authority as an annual meeting and provided further that the warrant for such special meeting shall be published once in a newspaper having a general circulation in the municipality within one week after the posting thereof. The vote to authorize the issuance of bonds or notes in excess of twenty thousand dollars, except tax anticipation notes, shall be conducted by the use of printed ballots. The voting and counting procedures provided in RSA 59 shall be followed by the election officials of the municipality in conducting said vote. The warrant for any such annual or special meeting shall be served or posted at last fourteen days before the date thereof. Every warrant shall be deemed to have been duly served or posted, if the return thereon shall so state, and it shall be certified by the officer or officers required to serve or post the same. All bonds or notes, authorized in accordance with this chapter, shall be signed by the governing board, or a majority thereof, and countersigned by the treasurer of the municipality and shall have the corporate seal, if any, affixed thereto. The discretion of fixing the date, maturities, denominations, the interest rate, or discount rate in the case of notes, the place of payment, the form and other details of said bonds or notes, and of providing for the sale thereof, may be delegated to

the governing board or to the treasurer and shall, to the extent provision therefor shall not have been made in the vote authorizing the same, be deemed to have been delegated to the governing board.

438:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 439.

AN ACT PROVIDING ADDITIONAL (COST OF LIVING) RETIREMENT ALLOWANCES FOR
STATE EMPLOYEES WHO RETIRED SUBSEQUENT TO JULY 1, 1961
AND PRIOR TO JANUARY 1, 1968.

Be it Enacted by the Senate and House of Representatives in General Court convened:

439:1 State Employees' Retirement System. Amend RSA 100:20-e (supp) as inserted by 1967, 391:1 by striking out said section and inserting in place thereof the following: **100:20-e Supplementary Cost of Living Allowances.** Any state employee beneficiary who retired between July 1, 1961 and January 1, 1968 and who is in receipt of a retirement allowance on January 1, 1970 and who retired under the state employees' retirement system as established by Laws of 1945, 183, with amendments thereto, shall beginning with the month of January, 1970 and monthly thereafter but not beyond the month of December, 1970 have his allowance increased by six percent. If the beneficiary of a retired member who retired after July 1, 1961 and elected an option providing for a survivor annuity is in receipt of such survivor annuity on January 1, 1970, the beneficiary shall be paid beginning with the month of January, 1970 and monthly thereafter but not beyond the month of December, 1970, an increased retirement allowance which shall be the same proportion of the increased retirement allowance the member would have been entitled to receive, if any, prior to any optional modification, had he been living on January 1, 1970, as the survivor annuity bears to the full allowance prior to optional modification by such former retired member at retirement. When the increased retirement allowance of any one beneficiary shall be ascertained under the terms of the above-mentioned provisions, the difference between said increased retirement allowance and the retirement allowance said beneficiary is then receiving as of December 31, 1969 shall be multiplied by two and the said sum shall be paid to said beneficiary in twelve monthly installments during the period from January 1, 1970 to December 31, 1970. Nothing herein shall be construed as affecting the regular retirement allowance of any beneficiary, or any other supplementary allowance of any beneficiary. The payment of the additional retirement allowance payable hereunder shall be contingent on the payment by the state of the additional amounts required to meet the current disbursements of such additional retirement allowances.

439:2 Appropriation. To provide funds for the payment of the supplemental allowances provided herein, the sum of thirty-two thousand eight

hundred fifty dollars is hereby appropriated for the fiscal year ending June 30, 1970, to be expended between January 1, 1970 and June 30, 1970 and the sum of thirty-two thousand eight hundred fifty dollars is hereby appropriated for the fiscal year ending June 30, 1971, to be expended between July 1, 1970 and December 31, 1970. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

439:3 Effective Date. This act shall take effect January 1, 1970.

[Approved July 3, 1969.]

[Effective date January 1, 1970.]

CHAPTER 440.

AN ACT PROVIDING FOR AND INCREASING ADDITIONAL RETIREMENT ALLOWANCES FOR STATE EMPLOYEES WHO RETIRED PRIOR TO JULY 1, 1961.

Be it Enacted by the Senate and House of Representatives in General Court convened:

440:1 State Employees' Retirement System. Amend RSA 100:20-b (supp) as inserted by 1965, 344:1 and amended by 1967, 355:1 by striking out said section and inserting in place thereof the following: **100:20-b Supplementary Allowances.** Any state employee beneficiary who retired prior to July 1, 1961 and who is in receipt of a retirement allowance on January 1, 1970, including any state employee retired under the state employees' retirement system as established by the Laws of 1945, 183, shall, beginning with the month of January, 1970 and monthly thereafter, but not beyond the month of December, 1970, have his allowance increased by thirteen percent. If the beneficiary of a retired member who retired prior to July 1, 1961 and elected an option providing for a survivor annuity is in receipt of such survivor annuity on January 1, 1970, the beneficiary shall be paid beginning with the month of January, 1970 and monthly thereafter but not beyond the month of December, 1970, an increased retirement allowance which shall be the same proportion of the increased retirement allowance the member would have been entitled to receive, if any, prior to any optional modification, had he been living on January 1, 1970, as the survivor annuity bears to the full allowance prior to optional modification by such former retired member at retirement. When the increased retirement allowance of any one beneficiary shall be ascertained under the terms of the above-mentioned provisions, the difference between said increased retirement allowance and the retirement allowance said beneficiary is then receiving as of December 31, 1969 shall be multiplied by two and the said sum shall be paid to said beneficiary in twelve monthly installments during the period from January 1, 1970 to December 31, 1970. Nothing herein shall be construed as affecting the regular retirement allowance of any beneficiary. The payment of the additional retirement allowances payable hereunder shall be contingent on the payment by the state of the additional amounts required to meet the current disbursements of such additional retirement allowances.

440:2 Appropriation. To provide funds for the payment of the supplemental allowances provided herein, the sum of twenty-one thousand five hundred dollars is hereby appropriated for the fiscal year ending June 30, 1970, to be expended between January 1, 1970 and June 30, 1970 and the sum of twenty-one thousand five hundred dollars is hereby appropriated for the fiscal year ending June 30, 1971, to be expended between July 1, 1970 and December 31, 1970. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

440:3 Effective Date. This act shall take effect January 1, 1970.

[Approved July 3, 1969.]

[Effective date January 1, 1970.]

CHAPTER 441.

AN ACT PROVIDING ADDITIONAL RETIREMENT ALLOWANCES FOR CERTAIN RETIRED
TEACHERS AND MAKING AN APPROPRIATION THEREFOR.

*Be it Enacted by the Senate and House of Representatives in General Court
convened:*

441:1 Teachers' Retirement System. Amend RSA 192 by inserting after section 27 (supp) the following new section: **192:28, 1970 Allowances.** Any beneficiary who retired prior to July 1, 1957 and who is in receipt of a retirement allowance on January 1, 1970, including any teacher retired under the teachers' retirement system as established by RSA 136, shall, beginning with the month of January 1970, and monthly thereafter, but not beyond the month of December 1970, have his allowance increased in the proportion which the Consumers Price Index issued by the United States Department of Labor, Bureau of Labor Statistics, for the month of November 1968 bears to the corresponding index for the year in which the member retired; except that in the case of service beneficiaries, such increased retirement allowance shall be at least forty-eight dollars for each year of creditable service at retirement not exceeding thirty years, and in the case of disability beneficiaries, such increased retirement allowance shall be at least forty-six dollars for each year of creditable service at retirement not exceeding thirty years. Provided, however, if any such beneficiary has filed an election in accordance with RSA 192:13, II his retirement allowance shall be increased for said period only in the proportion which the Consumers Price Index issued by the United States Department of Labor, Bureau of Labor Statistics, for the month of November 1968 bears to the corresponding index for the year in which the member retired. In the event the retired member is receiving a reduced retirement allowance because of having elected an option, such increased retirement allowance shall be reduced in the same proportion as the retirement allowance prior to optional modification was reduced at retirement. If the beneficiary of a retired member who retired prior to July 1, 1957 and elected an option providing for a survivor annuity is in receipt of such survivor annuity on January 1, 1970, such beneficiary shall be paid beginning with the month of January 1970

and monthly thereafter, but not beyond the month of December 1970, an increased retirement allowance which shall be the same proportion of the increased retirement allowance the member would have been entitled to receive, if any, prior to any optional modification had he been living on January 1, 1970 as the survivor annuity bears to the full allowance prior to optional modification of such former retired member at retirement. When the increased retirement allowance of any one beneficiary shall be ascertained under the terms of the before mentioned provisions the difference between said increased retirement allowance and the retirement allowance said beneficiary is receiving as of December 31, 1969 shall be multiplied by two and the sum ascertained by this formula shall be paid to said beneficiary in twelve monthly installments beginning January 1, 1970 and ending December 31, 1970. Nothing herein shall be construed as affecting the regular retirement allowance of any beneficiary. The payment of the additional retirement allowances payable hereunder shall be contingent on the payment by the state of the additional amounts required to meet the current disbursements of such additional retirement allowances.

441:2 Appropriation. In order to provide funds for the payment of the supplemental allowances provided under RSA 192:28 as hereinbefore inserted, the sum of one hundred four thousand, nine hundred seventeen dollars is hereby appropriated for the fiscal year ending June 30, 1970 and sum of one hundred four thousand, nine hundred seventeen dollars is hereby appropriated for the fiscal year ending June 30, 1971. The first sum herein mentioned shall be expended by the teachers' retirement system for the payment of supplemental benefits for the period from January 1, 1970 to June 30, 1970, and the second sum herein mentioned shall be expended by said system for the payment of supplemental benefits for the period from July 1, 1970 to December 31, 1970. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

441:3 Effective Date. This act shall take effect on January 1, 1970.

[Approved July 3, 1969.]

[Effective date January 1, 1970.]

CHAPTER 442.

AN ACT ESTABLISHING AN INTERSTATE COMPACT ON MENTALLY DISORDERED OFFENDERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

442:1 New Chapter. Amend RSA by inserting after chapter 126-B (supp) as inserted by 1965, 185:1 the following new chapter:

Chapter 126-C

Interstate Compact on the Mentally Disordered Offender

126-C:1 Name. This chapter may be cited as the interstate compact on the mentally disordered offender.

126-C:2 Compact. The interstate compact on the mentally disordered offender, hereinafter called "the compact", is hereby enacted into law and entered into with all other jurisdictions legally joining therein, in the form substantially as follows:

The Interstate Compact on the Mentally Disordered Offender

Article I

Purpose and Policy

(a) The party states, desiring by common action to improve their programs for the care and treatment of mentally disordered offenders, declared that it is the policy of each of the party states to:

1. Strengthen their own programs and laws for the care and treatment of the mentally disordered offender.

2. Encourage and provide for such care and treatment in the most appropriate locations, giving due recognition to the need to achieve adequacy of diagnosis, care, treatment, after-care and auxiliary services and facilities and, to every extent practicable, to do so in geographic locations convenient for providing a therapeutic environment.

3. Authorize cooperation among the party states in providing services and facilities, when it is found that cooperative programs can be more effective and efficient than programs separately pursued.

4. Place each mentally disordered offender in a legal status which will facilitate his care, treatment and rehabilitation.

5. Authorize research and training of personnel on a cooperative basis, in order to improve the quality or quantity of personnel available for the proper staffing of programs, services and facilities for mentally disordered offenders.

6. Care for and treat mentally disordered offenders under conditions which will improve the public safety.

(b) Within the policies set forth in this Article, it is the purpose of this compact to:

1. Authorize negotiation, entry into, and operations under contractual arrangements among any two or more of the party states for the establishment and maintenance of cooperative programs in any one or more of the fields for which specific provision is made in the several articles of this compact.

2. Set the limits within which such contracts may operate, so as to assure protection of the civil rights of mentally disordered offenders and protection of the rights and obligations of the public and of the party states.

3. Facilitate the proper disposition of criminal charges pending against mentally disordered offenders, so that programs for their care, treatment and rehabilitation may be carried on efficiently.

Article II Definitions

As used in this compact:

(a) "Mentally disordered offender" means a person who has been determined, by adjudication or other method legally sufficient for the purpose in the party state where the determination is made, to be mentally ill and:

1. is under sentence for the commission of crime; or
2. who is confined or committed on account of the commission of an offense for which, in the absence of mental illness, said person would be subject to incarceration in a penal or correctional facility.

(b) "Patient" means a mentally disordered offender who is cared for, treated, or transferred pursuant to this compact.

(c) "Sending state" means a state party to this compact in which the mentally disordered offender was convicted; or the state in which he would be subject to trial on or conviction of an offense, except for his mental condition; or, within the meaning of Article V of this compact, the state whose authorities have filed a petition in connection with an untried indictment, information or complaint.

(d) "Receiving state" means a state party to this compact to which a mentally disordered offender is sent for care, after-care, treatment or rehabilitation, or within the meaning of Article V of this compact, the state in which a petition in connection with an untried indictment, information or complaint has been filed.

Article III Contracts

(a) Each party state may make one or more contracts with any one or more of the other party states for the care and treatment of mentally disordered offenders on behalf of a sending state in facilities situated in receiving states, or for the participation of such mentally disordered offenders in programs of after-care on conditional release administered by the receiving state. Any such contract shall provide for:

1. Its duration.
2. Payments to be made to the receiving state by the sending state for patient care, treatment, and extraordinary services, if any.
3. Determination of responsibility for ordering or permitting the furnishing of extraordinary services, if any.
4. Participation in compensated activities, if any, available to patients; the disposition or crediting of any payment received by patients on account thereof; and the crediting of proceeds from or disposal of any products resulting therefrom.
5. Delivery and retaking of mentally disordered offenders.
6. Such other matters as may be necessary and appropriate to fix the obligations, responsibilities and rights of the sending and receiving states.

(b) Prior to the construction or completion of construction of any facility for mentally disordered offenders or addition to such facility by a party state, any other party state or states may contract therewith for the enlargement of the planned capacity of the facility or addition thereto, or

for the inclusion therein of particular equipment or structures, and for the reservation of a specific percentum of the capacity of the facility to be kept available for use by patients of the sending state or states so contracting. Any sending state so contracting may, to the extent that monies are legally available therefor, pay to the receiving state, a reasonable sum as consideration for such enlargement of capacity, or provision of equipment or structures, and reservation of capacity. Such payment may be in a lump sum or in installments as provided in the contract.

(c) A party state may contract with any one or more other party states for the training of professional or other personnel whose services, by reason of such training, would become available for or be improved in respect of ability to participate in the care and treatment of mentally disordered offenders. Such contracts may provide for such training to take place at any facility being operated or to be operated for the care and treatment of mentally disordered offenders; at any institution or facility having resources suitable for the offering of such training; or may provide for the separate establishment of training facilities, provided that no such separate establishment shall be undertaken, unless it is determined that an appropriate existing facility or institution cannot be found at which to conduct the contemplated program. Any contract entered into pursuant to this paragraph shall provide for:

1. The administration, financing, and precise nature of the program.
2. The status and employment or other rights of the trainees.
3. All other necessary matters.

(d) No contract entered into pursuant to this compact shall be inconsistent with any provision thereof.

Article IV Procedure and Rights

(a) Whenever the duly constituted judicial or administrative authorities in a state party to this compact, and which has entered into a contract pursuant to Article III, shall decide that custody, care and treatment in, or transfer of a patient to, a facility within the territory of another party state, or conditional release for after-care in another party state is necessary in order to provide adequate care and treatment or is desirable in order to provide an appropriate program of therapy or other treatment, or is desirable for clinical reasons, said officials may direct that the custody, care and treatment be within a facility or in a program of after-care within the territory of said other party state, the receiving state to act in that regard solely as agent for the sending state.

(b) The appropriate officials of any state party to this compact shall have access, at all reasonable times, to any facility in which it has a contractual right to secure care or treatment of patients for the purpose of inspection and visiting such of its patients as may be in the facility or served by it.

(c) Except as otherwise provided in Article VI, patients in a facility pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed for transfer to a facility within the sending state, for transfer to another facility in

which the sending state may have a contractual or other right to secure care and treatment of patients, for release on after-care or other conditional status, for discharge, or for any other purpose permitted by the laws of the sending state: provided that the sending state shall continue to be obligated to such payments as may be required pursuant to the terms of any contract entered into under the terms of Article III.

(d) Each receiving state shall provide regular reports to each sending state on the patients of that sending state in facilities pursuant to this compact including a psychiatric and behavioral record of each patient and certify said record to the official designated by the sending state, in order that each patient may have the benefit of his or her record in determining and altering the disposition of said patient in accordance with the law which may obtain in the sending state and in order that the same may be a source of information for the sending state.

(e) All patients who may be in facility or receiving after-care from a facility pursuant to the provisions of this compact shall be treated in a reasonable and humane manner and shall be cared for, treated and supervised in accordance with the standards pertaining to the program administered at the facility. The fact of presence in a receiving state shall not deprive any patient of any legal rights which said patient would have had if in custody or receiving care, treatment or supervision as appropriate in the sending state.

(f) Any hearing or hearings to which a patient present in a receiving state pursuant to this compact may be entitled by the laws of the sending state shall be had before the appropriate authorities of the sending state, or of the receiving state if authorized by the sending state. The receiving state shall provide adequate facilities for such hearings as may be conducted by the appropriate officials of a sending state. In the event such hearing or hearings are had before officials of the receiving state, the governing law shall be that of the sending state and a record of the hearing or hearings as prescribed by the sending state shall be made. Said record together with any recommendations of the hearing officials shall be transmitted forthwith to the official or officials before whom the hearing would have been had if it had taken place in the sending state. In any and all proceedings had pursuant to the provisions of this paragraph, the officials of the receiving state shall act solely as agents of the sending state and no final determination shall be made in any matter except by the appropriate officials of the sending state. Costs of records made pursuant to this paragraph shall be borne by the sending state.

(g) Any patient confined pursuant to this compact shall be released within the territory of the sending state unless the patient, and the sending and receiving states, shall agree upon release in some other place. The sending state shall bear the cost of such return to its territory.

(h) Any patient pursuant to the terms of this compact shall be subject to civil process and shall have any and all rights to sue, be sued and participate in and derive any benefits or incur or be relieved of any obligations or have such obligations modified or his status changed on account of any action or proceeding in which he could have participated if in any appropriate facility of the sending state or being supervised therefrom, as the case may be, located within such state.

(i) The parent, guardian, trustee, or other person or persons entitled under the laws of the sending state to act for, advise, or otherwise function with respect to any patient shall not be deprived of or restricted in his exercise of any power in respect of any patient pursuant to the terms of this compact.

Article V

Disposition of Charges

(a) Whenever the authorities responsible for the care and treatment of a mentally disordered offender, whether convicted or adjudicated in the state or subject to care, after-care, treatment or rehabilitation pursuant to a contract, are of the opinion that charges based on untried indictments, informations or complaints in another party state present obstacles to the proper care and treatment of a mentally disordered offender or to the planning or execution of a suitable program for him, such authorities may petition the appropriate court in the state where the untried indictment, information or complaint is pending for prompt disposition thereof. If the mentally disordered offender is a patient in a receiving state, the appropriate authorities of the sending state, upon recommendation of the appropriate authorities in the receiving state, shall, if they concur in the recommendation, file the petition contemplated by this paragraph.

(b) The court shall hold a hearing on the petition within thirty days of the filing thereof. Such hearing shall be only to determine whether the proper safeguarding and advancement of the public interest; the condition of the mentally disordered offender, and the prospects for more satisfactory care, treatment and rehabilitation of him warrant disposition of the untried indictment, information or complaint prior to termination of the defendant's status as a mentally disordered offender in the sending state. The prosecuting officer of the jurisdiction from which the untried indictment, information or complaint is pending, the petitioning authorities, and such other persons as the court may determine shall be entitled to be heard.

(c) Upon any hearing pursuant to this Article, the court may order such adjournments or continuances as may be necessary for the examination or observation of the mentally disordered offender or for the securing of necessary evidence. In granting or denying any such adjournment or continuance, the court shall give primary consideration to the purposes of this compact, and more particularly to the need for expeditious determination of the legal and mental status of a mentally disordered offender so that his care, treatment and discharge to the community only under conditions which will be consonant with the public safety may be implemented.

(d) The presence of a mentally disordered offender within a state wherein a petition is pending or being heard pursuant to this Article, or his presence within any other state through which he is being transported in connection with such petition or hearing, shall be only for the purposes of this compact, and no court, agency or person shall have or obtain jurisdiction over such mentally disordered offender for any other purpose by reason of his presence pursuant to this Article. The mentally disordered offender shall, at all times, remain in the custody of the sending state. Any acts of officers, employees, or agencies of the receiving state in providing

or facilitating detention, housing or transportation for the mentally disordered offender shall be only as agents for the sending state.

(e) promptly upon conclusion of the hearing the court shall dismiss the untried indictment, information or complaint, if it finds that the purposes enumerated in paragraph (b) of this Article would be served thereby. Otherwise, the court shall make such order with respect to the petition and the untried indictment, information or complaint as may be appropriate in the circumstances and consistent with the status of the defendant as a mentally disordered offender in the custody of and subject to the jurisdiction of the sending state.

(f) No fact or other matter established or adjudicated at any hearing pursuant to this Article, or in connection therewith, shall be deemed established or adjudicated, nor shall the same be admissible in evidence, in any subsequent prosecution of the untried indictment, information or complaint concerned in a petition filed pursuant to this Article unless:

1. The defendant or his duly empowered legal representative requested or expressly acquiesced in the making of the petition, and was afforded an opportunity to participate in person in the hearing; or

2. The defendant himself offers or consents to the introduction of the determination or adjudication at such subsequent proceedings.

Article VI

Acts Not Reviewable in Receiving State; Return

(a) Any decision of the sending state in respect of any matter over which it retains jurisdiction pursuant to this compact shall be conclusive upon and not reviewable within the receiving state, but if at the time the sending state seeks to remove a patient from the receiving state there is pending against the patient within such state any criminal charge or if the patient is suspected of having committed within such state a criminal offense, the patient shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment or detention from such offense. The duly accredited officers of the sending state shall be permitted to transport patients pursuant to this compact through any and all states party to this compact without interference.

(b) A patient who escapes while receiving care and treatment or who violates provisions of after-care by leaving the jurisdiction, or while being detained or transported pursuant to this compact shall be deemed an escapee from the sending state and from the state in which the facility is situated or the after-care was being provided. In the case of an escape to a jurisdiction other than the sending or receiving state, the responsibility for return shall be that of the sending state, but nothing contained herein shall be construed to prevent or affect the activities of officers and agencies of any jurisdiction directed toward the apprehension and return of an escapee.

Article VII

Federal Aid

Any state party to this compact may accept federal aid for use in con-

nection with any facility or program, the use of which is or may be affected by this compact or any contract pursuant thereto and any patient in a receiving state pursuant to this compact may participate in any such federally aided program or activity for which the sending and receiving states have made contractual provision: provided that if such program or activity is not part of the customary regimen of the facility, or program the express consent of the appropriate official of the sending state shall be required therefor.

Article VIII

Entry Into Force

This compact shall enter into force and become effective and binding upon the states so acting when it has been enacted into law by any two states from among the states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin. Thereafter, this compact shall enter into force and become effective and binding as to any other of said states, or any other state upon similar action by such state.

Article IX

Withdrawal and Termination

This compact shall continue in force and remaining binding upon a party state until it shall have enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the compact to the appropriate officials of all other party states. An actual withdrawal shall not take effect until two years after the notices provided in said statute have been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal. Before the effective date of withdrawal, a withdrawing state shall remove to its territory, at its own expense, such patients as it may have in other party states pursuant to the provisions of this compact.

Article X

Other Arrangements Unaffected

Nothing contained in this compact shall be construed to abrogate or impair any agreement or other arrangement which a party state may have with a nonparty state for the custody, care, treatment, rehabilitation or after-care of patients nor to repeal any other laws of a party state authorizing the making of cooperative arrangements.

Article XI

Construction and Severability

The provisions of this compact shall be liberally construed and shall be severable. If any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held

contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

126-C:3 Contracts Authorized. The division of mental health within the department of health and welfare may negotiate and enter into contracts on behalf of this state pursuant to Article III of the compact and may perform such contracts; provided that no funds, personnel, facilities, equipment, supplies, or materials shall be pledged for, committed or used on account of any such contract, unless legally available therefor.

442:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 443.

AN ACT RELATIVE TO DANGEROUS SEXUAL OFFENDERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

443:1 New Chapter. Amend RSA by inserting after chapter 173 the following new chapter:

Chapter 173-A Dangerous Sexual Offenders

173-A:1 Finding of Necessity, and Purpose. It is hereby declared that the frequency of sex crimes within this state necessitates that appropriate measures be adopted to protect society more adequately from dangerous sexual offenders; that the laws of this state do not provide for the proper disposition of those who commit or have a tendency to commit such crimes and whose actions result from an abnormal psycho-sexual condition; that society as well as the individual will benefit by a legal process which would provide for indeterminate confinement, under conditions permitting segregation and psychiatric treatment as may be deemed necessary for such persons.

173-A:2 Definitions. The term "dangerous sexual offender" as used in this chapter means any person suffering from such conditions of emotional instability or impulsiveness of behavior, or lack of customary standards of good judgment, or failure to appreciate the consequences of his acts, or a combination of any such conditions, as to render such person irresponsible with respect to sexual matters and thereby dangerous to himself, or to other persons.

173-A:3 Inquiry.

I. When Required. Whenever a person is convicted of one or more of the following sex offenses: unnatural and lascivious act, bestiality, sodomy, enticing female child, rape, except in the case of rape where the wom-

an is under the age of sixteen and carnal copulation is without force and not against her will, or any attempt to commit such offenses, the convicting court shall, prior to sentencing, commit such person to the New Hampshire Hospital for psychiatric observation and examination, for a period of not less than thirty nor more than ninety days. Whenever a person is convicted of one or more of the following sex offenses: incest, rape where the woman is under the age of sixteen and carnal copulation is without force and not against her will, or is convicted more than once for lewdness or indecent exposure, or any attempt to commit such offenses, the convicting court may in its discretion, prior to sentencing commit such person to the New Hampshire Hospital for psychiatric observation and examination, for a period of not less than thirty nor more than ninety days. The New Hampshire Hospital may require the cooperation of any state agencies in obtaining and furnishing information. It may also require any agency, public or private, to furnish copies of any information or records in the possession of such agency, without court order and notwithstanding any other provisions of the law as to the use or availability of such information or records. Prior to the end of ninety days, the superintendent of New Hampshire Hospital shall file a report with the committing court to include one of the following conclusions:

(a) That said person is not considered to be a dangerous sexual offender but that he is in need of and amenable to psychiatric treatment and that hospital confinement be continued until further order of the court, or until expiration of the maximum time for which said person is sentenced.

(b) That said person is not considered to be a dangerous sexual offender and does not require psychiatric treatment.

(c) That there is psychiatric and/or psychological evidence suggesting that said person might be a dangerous sexual offender. A certified copy of this report shall be served upon the person examined within three days after the filing thereof with the court.

II. Petition for Hearing.

(a) In the event that the superintendent of the New Hampshire Hospital concludes that there is psychiatric and/or psychological evidence suggesting that the person examined might be a dangerous sexual offender, the committing court may at its discretion act on the report and may direct the county attorney to file a petition on the basis of said report including such facts as he may have available requesting the court to conduct an inquiry into the condition of such person.

173-A:4 Hearing.

I. The court shall conduct a hearing upon such notice as it deems necessary, but within thirty days after the receipt of said report and such report shall be admissible as evidence. The court may, in its discretion, exclude the general public from attendance at such hearing. The individual concerning whom the petition is filed shall be entitled to be present at the hearing and to be represented by counsel. If the court determines that he is financially unable to obtain counsel, the court shall appoint counsel to represent him. He shall be entitled to have subpoenas issued out of court to compel the attendance of witnesses in his behalf. Reasonable fees of counsel and witness fees for an indigent person alleged to be a dangerous

sexual offender shall be allowed by the court and shall be a charge against the county wherein the petition is heard.

II. The physicians of the New Hampshire Hospital who made the examination may be present at the hearing and may be called on to testify as to the result of their examination and to any other pertinent facts within their knowledge. The county attorney shall appear for the state and cause witnesses to be subpoenaed, if necessary, in support of the report.

III. Upon such hearing, it shall be competent to introduce evidence of the commission by the alleged dangerous sexual offender of any prior sex acts or sex crimes together with any action taken in the way of punishment or otherwise.

IV. The proceedings had shall be reduced to writing and shall be part of the records of the court.

V. The court shall make an order determining whether or not the person proceeded against is a dangerous sexual offender.

VI. There shall be no right to a trial by jury in proceedings under this section.

173-A:5 Commitment. Any person determined by the court to be a dangerous sexual offender shall be committed to the director of mental health to be confined to New Hampshire Hospital.

173-A:6 Director of Mental Health.

I. It shall be the duty of the director of mental health to administer the provisions of this chapter as it relates to the custody and treatment of dangerous sexual offenders. The division of mental health shall be authorized to transfer any dangerous sexual offenders to another jurisdiction under any existing interstate compact or agreement pertaining to mentally disordered offenders.

II. The director of mental health shall direct periodic examinations of any such person so committed with the view to determining the progress of cure, if any, and shall, in an annual report submitted to the court by which he was committed, give a medical finding on each such person. These reports in each individual's case shall not be destroyed sooner than six years after a final determination by the court, pursuant to section 10, of the recovery of said person from the condition of a dangerous sexual offender. If on the basis of reports from the superintendent of New Hampshire Hospital the director determines that a dangerous sexual offender is not amenable to psychiatric treatment or that he has received maximum benefit from treatment and remains a dangerous sexual offender, he may order such person transferred to New Hampshire State Prison. Any person so transferred shall undergo psychiatric examination at least twice yearly under supervision of the director of mental health. Within fifteen days of the time he receives a report of such examination the director shall order that the person so examined remain confined at state prison or be returned to New Hampshire Hospital for psychiatric treatment.

III. The director of mental health with the approval of the committing court may release on parole for not more than one year at one time any dangerous sexual offender upon recommendation of the director that the

person is improved and that, in his opinion, he is no longer dangerous to himself or others. The director may establish the terms and conditions of such parole. The director may at any time for any reason revoke the parole and order the parolee to be returned to the institution from which he was paroled, under the original commitment. Such order shall be enforced by any officer in the state authorized to make arrests.

173-A:7 Facilities Provided. The division of mental health shall provide suitable housing and facilities for the detention and treatment of dangerous sexual offenders. Such housing and facilities may be in a separate building or a part of an existing building and may be located on or off the grounds of any existing state institution. Such housing and facilities as may be established shall provide for the reasonable segregation of all dangerous sexual offenders from those suffering from other forms of mental illness.

173-A:8 Records of the Director of Mental Health. Full and complete records shall be kept by the director of the treatment and care of each dangerous sexual offender committed to the institution. Such records shall not be open to the inspection of any other person not on the staff of the institution except that a justice of the superior court shall on application make an order to permit examinations of the records when in his judgment the ends of justice will be served. Such records shall be admissible in evidence.

173-A:9 Discharge.

I. If the person proceeded against pursuant to section 3 has been committed under this chapter, whenever thereafter the director of the institution wherein he is confined shall notify the director of mental health that the person has recovered, or that his mental condition has improved to such an extent that he will not be benefited by further treatment and that he is no longer dangerous to himself or to others, the director of mental health shall recommend his release to the committing court and shall send to the court a record containing the opinion of the director of the institution wherein he was confined.

II. The dangerous sexual offender or his attorney may petition the superior court at any time for his release, provided that such petition is accompanied by a statement under oath made by a qualified psychiatrist which states that in his opinion the dangerous sexual offender has recovered or that his mental condition has improved to such an extent that he is no longer dangerous to himself or to others.

III. Whenever the court is in receipt of the recommendations described in paragraph I or the petition described in paragraph II of this section, it shall, after hearing, order the discharge of such person unless it shall be found at the hearing that said person has not recovered or that his mental condition has not improved to such an extent that he will not be benefited by further treatment and that he remains dangerous to himself or to others. The court shall order such person to be returned to custody to be held under the previous commitment.

173-A:10 Procedure Where Person is Adjudged Not a Dangerous Sexual Offender. If, after hearing, the court shall determine that the person is not a dangerous sexual offender, he shall be remanded to the custody of the court for sentencing.

443:2 Repeal. RSA 173 as amended by 1955, 163:1; 1959, 12:1; 1961, 114:1 and 222:1; and 1963, 39:2 relative to sexual psychopaths is hereby repealed.

443:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 444.

AN ACT RELATIVE TO LIGHTING THE DOCK AREA AT HILTON STATE PARK.

Be it Enacted by the Senate and House of Representatives in General Court convened:

444:1 Lighting Dock Area. The turnpike division of the department of public works and highways is hereby authorized to construct suitable lighting facilities at the boat docking and landing area of Hilton state park in order to facilitate night launching and beaching of boats at said park.

444:2 Appropriation. There is hereby appropriated the sum of one thousand dollars for the purposes of section 1. Said appropriation shall be a charge against the Eastern New Hampshire turnpike sinking fund.

444:3 Effective Date. This act shall take effect upon its passage.

[Approved July 3, 1969.]

[Effective date July 3, 1969.]

CHAPTER 445.

AN ACT INCREASING THE ALLOWABLE TOWN AND CITY APPROPRIATIONS FOR CERTAIN HOLIDAYS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

445:1 Town Appropriation; Memorial Day. Amend RSA 31:4, XI by striking out in line three the words "six hundred" and inserting in place thereof the words (two thousand) so that said paragraph as amended shall read as follows: XI. MEMORIAL DAY. To defray the expense of decorating the graves of soldiers and sailors who have served in the army or navy of the United States in time of war, not exceeding two thousand dollars yearly, to be given to and expended by committees appointed by the Grand Army of the Republic, the United Spanish War Veterans, the American Legion, the Disabled American Veterans, or the Veterans of Foreign Wars, so long as they shall continue the services of Memorial day as originally established and now observed, and thereafter to such persons or organizations as shall continue such services in the several towns.

445:2 Conventions. Amend RSA 31:4, XXXI by striking out in line

two the words "six hundred" and inserting in place thereof the words (two thousand) so that said paragraph as amended shall read as follows: XXXI. VETERANS' CONVENTIONS. To contribute a sum not exceeding two thousand dollars toward the expense of an annual state convention of any state organization of veterans who have served in the army or navy of the United States, in time of war, when said convention is to be held in that town.

445:3 City Councils. Amend RSA 31:6 by striking out in line two the words "five hundred" and inserting in place thereof the words (two thousand) and by inserting in line four after the word "Day" the words (Veterans Day) so that said section as amended shall read as follows: **31:6 — For Holidays.** City councils may, at any legal meeting, grant and vote money, not exceeding two thousand dollars, for providing municipal Christmas trees or for public patriotic exercises for Memorial Day, Independence Day, Veterans Day or other holidays.

445:4 Effective Date. This act shall take effect upon its passage.

[Approved July 3, 1969.]

[Effective date July 3, 1969.]

CHAPTER 446.

AN ACT RELATIVE TO TRUSTEE PROCESS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

446:1 List of Exemptions. Amend RSA 512:21, II, as amended by 1961, 245:4, and 1967, 228:1, by striking out said paragraph and inserting in place thereof the following paragraph: II. Except as otherwise provided in paragraph X of this section, wages of the defendant earned before the service of the writ upon the trustee shall be exempt except in actions founded upon a debt on a judgment issued by a New Hampshire court of competent jurisdiction. In such case the wages of the defendant earned before the service of a writ upon the trustee founded upon a debt on a judgment to the amount of fifty times the minimum hourly wage as established by the Fair Labor Standards Act for each week shall be exempt. The employer shall pay said exempted amount to the employee on the usual pay day unless other cause exists prohibiting such payment.

446:2 Effective Date. This act shall take effect upon its passage.

[Approved July 3, 1969.]

[Effective date July 3, 1969.]

CHAPTER 447.

AN ACT RELATIVE TO INVESTMENTS OF TOWN TRUSTEES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

447:1 Custody; Investments. Amend RSA 31:25 by inserting in line twelve after the word "thereof" the following (and in any common trust fund established by the New Hampshire Charitable Fund in accordance with RSA 292:23) so that said section as amended shall read as follows: **31:25 Custody; Investments.** The trustees shall have the custody of all trust funds held by their town. The funds shall be invested only by deposit in some savings bank or in the savings department of a national bank or trust company in this state, or in shares of any building and loan association or co-operative bank, incorporated and doing business under the laws of this state, or in the shares of any federal savings and loan association, located and doing business in this state, or in bonds, notes or other obligations of the United States government, or in state, county, town, city, school district, water and sewer district bonds and the notes of towns or cities in this state; and such stocks and bonds as are legal for investment by New Hampshire savings banks and when so invested, the trustees shall not be liable for the loss hereof; and in any common trust fund established by the New Hampshire Charitable Fund in accordance with RSA 292:23. The trustees may retain investments as received from donors, until the maturity thereof.

447:2 Investments by Single Trustee. Amend RSA 31:26 by inserting in line eleven after the word "thereof" the following (and in any common trust fund established by the New Hampshire Charitable Fund in accordance with RSA 292:23) so that said section as amended shall read as follows: **31:26 Investments by Single Trustee.** In towns which have chosen a single trustee of trust funds such funds shall be invested only by deposit in some savings bank or in the savings department of a national bank or trust company in this state, or in shares of any building and loan association or co-operative bank incorporated and doing business under the laws of this state, or in the shares of any federal savings and loan association located and doing business in this state, or in bonds, notes or other obligations of the United States government, or in state, county, town, city, school district, water and sewer district bonds and the notes of towns or cities in this state and when so invested the trustee shall not be liable for the loss thereof; and in any common trust fund established by the New Hampshire Charitable Fund in accordance with RSA 292:23. The trustee may retain investments as received from donors until the maturity thereof.

447:3 Collective Investments. Amend RSA 31:27 (supp) as amended by 1959, 253:1, by inserting in line seventeen after the word "subdivisions" the following (or in participation units of any common trust funds established by the New Hampshire Charitable Fund in accordance with RSA 292:23) so that said section as amended shall read as follows: **31:27 Collective Investments.** Notwithstanding any statute or rule of law to the contrary, town and city trustees of trust funds may establish, maintain and operate one or more common trust funds, in which may be combined money and property belonging to the various trusts in their care, for the purpose of facilitating investments, providing diversification and obtaining reasonable income; provided however, that said common trust funds shall be limited to the investments authorized in section 25 of this chapter; provided further, that not more than ten thousand dollars, or more than ten per cent of the fund whichever is greater, of any town or city common trust funds shall be invested under section 25 in the obligations of any one corporation or or-

ganization, excepting deposits in savings banks, or in the savings department of a national bank or trust company in this state, or in shares of any building and loan association or co-operative bank, incorporated and doing business under the laws of this state, or in the shares of any federal savings and loan association, located and doing business in this state, or in obligations of the United States and of the state of New Hampshire and its subdivisions; or in participation units of any common trust funds established by the New Hampshire Charitable Fund in accordance with RSA 292:23, and provided further, that the participating contributory interests of said trusts are properly evidenced by appropriate bookkeeping entries showing on an annual basis the capital contribution of and the profits and income allocable to each trust.

447:4 Public and Charitable Funds. Amend RSA 292 by inserting after section 22, as inserted by 1969, 33:1 the following new subdivision:

New Hampshire Charitable Fund

292:23 Public and Charitable Trust Funds.

I. **Public Common Trust Funds.** The New Hampshire Charitable Fund is authorized to establish one or more public common trust funds and to accept funds for investment in such public common trust funds from public trustees including municipal trustees, provided however, that any investment in such public common trust fund may be withdrawn at such times and upon such notice as rules and regulations promulgated by the New Hampshire Charitable Fund with the approval of the bank commissioner shall provide. The New Hampshire Charitable Fund shall have full power to invest and reinvest such public common trust fund or funds, only (a) in securities contained in the List of Legal Securities provided in RSA 387:25, (b) New Hampshire savings banks, (c) obligations of the United States, and (d) obligations of the state of New Hampshire and its subdivisions, providing however, that not more than ten per cent of any fund shall be invested in the obligations of any one corporation or organization, excepting deposits in savings banks, obligations of the United States and of the state of New Hampshire and its subdivisions.

II. **Charitable Common Trust Funds.** The New Hampshire Charitable Fund is authorized to establish one or more charitable common trust funds and to accept funds for investment in such charitable common trust funds from the trustees or managers of tax exempt organizations under the provisions of the Internal Revenue Service of the United States, provided however, that any investment in such charitable common trust fund may be withdrawn at such times and upon such notice as rules and regulations promulgated by the New Hampshire Charitable Fund shall provide. The New Hampshire Charitable Fund shall have full power to invest and reinvest such charitable common trust funds, subject to the terms, conditions, limitations and restrictions imposed by the laws of the State of New Hampshire upon trustees of estates in making investments providing however that not more than ten per cent of any fund shall be invested in the obligations of any one corporation or organization, except deposits in savings banks, obligations of the United States, and of the State of New Hampshire and its subdivisions.

III. Securities. Investment securities forming a part of any such common trust fund shall be maintained in a custodian account in a state chartered or national bank doing business in New Hampshire. Any officer or employee of the New Hampshire Charitable Fund having access to investment securities, bank accounts or cash belonging to any such common trust fund shall be bonded.

IV. Audited Report. At least annually the New Hampshire Charitable Fund shall prepare a report, audited by an independent certified public accountant, which shall include for each common trust fund:

(a) Balance sheet showing assets and liabilities together with statements showing:

(1) All investments at the beginning and end of each fiscal year stated at both book and market values,

(2) Changes in investments,

(3) Realized capital gains and losses,

(4) Expenses, including fees, charged to principal,

(5) Capital distributions,

(6) Net asset value of participation units at the beginning and end of the year and at any intermediate valuation date, and

(7) Participation unit capital distributions with the dates thereof.

(b) Income statement showing:

(1) Income received,

(2) Expenses, including fees, charged to income,

(3) Income distributions, and

(4) Participation unit income distributions with the dates thereof.

(c) List of all investors showing each investor's participation units at the beginning and end of each fiscal year together with additions and withdrawals.

Such audited reports shall be a public document and copies shall be submitted to the director of charitable trusts, bank commissioner and tax commission — municipal audit division.

V. Value of Investments and Withdrawals. Investments in and withdrawals from the common trust fund or funds shall be at net asset values determined on the basis of market values.

VI. Rules and Regulations. The New Hampshire Charitable Fund is authorized to issue reasonable rules and regulations with respect to the administration of the fund or funds and such rules and regulations pertaining to public common trust funds shall be subject to the prior approval of the bank commissioner.

447:5 Bank Commissioner. Amend RSA 383 by inserting after section 9-a the following new section: **383:9-b New Hampshire Charitable Fund Common Trust Funds.** The commissioner shall also have general supervision of any public common trust fund created by the New Hampshire Charitable Fund. He may examine into the condition and management of such public common trust funds when necessary in his judgment. Whenever he shall conduct such an examination, he shall charge and collect from the public common trust fund examined, the cost of such examination computed by multiplying the average daily rate of pay of all examining personnel

employed in making such examination by the number of full man days devoted to the examination, but such charges for any fiscal year shall in no event exceed one-half of one per cent of the net income for that fiscal year of such examined fund.

447:6 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 448.

AN ACT ADOPTING THE MODEL STATE TRADEMARK ACT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

448:1 Trademarks. Amend RSA by inserting after chapter 350 the following new chapter:

Chapter 350-A

Model State Trademark Act

350-A:1 Definitions.

I. The term "trademark" as used herein means any word, name, symbol, or device or any combination thereof adopted and used by a person to identify goods made or sold by him and to distinguish them from goods made or sold by others.

II. The term "service mark" as used herein means a mark used in the sale or advertising of services to identify the services of one person and distinguish them from the services of others.

III. The term "mark" as used herein includes any trademark or service mark entitled to registration under this chapter whether registered or not.

IV. The term "trade name" means a word, name, symbol, device or any combination thereof used by a person to identify his business, vocation or occupation and distinguish it from the business, vocation or occupation of others.

V. The term "person" as used herein means any individual, firm, partnership, corporation, association, union or other organization.

VI. The term "applicant" as used herein embraces the person filing an application for registration of a trademark under this chapter, his legal representatives, successors or assigns.

VII. The term "registrant" as used herein embraces the person to whom the registration of a trademark under this chapter is issued, his legal representatives, successors or assigns.

VIII. For the purposes of this chapter, a trademark shall be deemed to be "used" in this state (a) on goods when it is placed in any manner on the goods or their containers or the displays associated therewith or on the tags

or labels affixed thereto and such goods are sold or otherwise distributed in the state, and (b) on services when it is used or displayed in the sale or advertising of services and the services are rendered in this state.

350-A:2 Registrability. A mark by which the goods or services of any applicant for registration may be distinguished from the goods or services of others shall not be registered if it:

- I. Consists of or comprises immoral, deceptive or scandalous matter; or
- II. Consists of or comprises matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute; or
- III. Consists of or comprises, the flag or coat of arms or other insignia of the United States, or of any state or municipality, or of any foreign nation, or any simulation thereof; or
- IV. Consists of or comprises the name, signature or portrait of any living individual, except with his written consent; or
- V. Consists of a mark which, (a) when applied to the goods or services of the applicant, is merely descriptive or deceptively misdescriptive of them, or (b) when applied to the goods or services of the applicant is primarily geographically descriptive or deceptively misdescriptive of them, or (c) is primarily merely a surname provided, however, that nothing in this paragraph shall prevent the registration of a mark used in this state by the applicant which has become distinctive of the applicant's goods or services. The secretary of state may accept as evidence that the mark has become distinctive, as applied to the applicant's goods or services, proof of continuous use thereof as a mark by the applicant in this state or elsewhere for the five years next preceding the date of the filing of the application for registration; or
- VI. Consists of or comprises a mark which so resembles a mark registered in this state or a mark or trade name previously used in this state by another and not abandoned, as to be likely, when applied to the goods or services of the applicant, to cause confusion or mistake or to deceive.

350-A:3 Application for Registration. Subject to the limitations set forth in this chapter any person who adopts and uses a mark in this state may file in the office of the secretary of state, on a form to be furnished by the secretary of state, an application for registration of that mark setting forth, but not limited to, the following information:

- I. The name and business address of the person applying for such registration; and, if a corporation, the state of incorporation,
- II. The goods or services in connection with which the mark is used and the mode or manner in which the mark is used in connection with such goods or services and the class in which such goods or services fall,
- III. The date when mark was first used anywhere and the date when it was first used in this state by the applicant or his predecessor in business, and
- IV. A statement that the applicant is the owner of the mark and that no other person has the right to use such mark in this state either in the

identical form thereof or in such near resemblance thereto as might be calculated to deceive or to be mistaken therefor.

The application shall be signed and verified by the applicant or by a member of the firm or an officer of the corporation or association applying.

The application shall be accompanied by a specimen or facsimile of such mark in triplicate.

The application for registration shall be accompanied by a filing fee of ten dollars, payable to the secretary of state.

350-A:4 Certificate of Registration.

I. Upon compliance by the applicant with the requirements of this chapter, the secretary of state shall cause a certificate of registration to be issued and delivered to the applicant. The certificate of registration shall be issued under the signature of the secretary of state and the seal of the state, and it shall show the name and business address and, if a corporation, the state of incorporation, of the person claiming ownership of the mark, the date claimed for the first use of the mark anywhere and the date claimed for the first use of the mark in this state, the class of goods or services and a description of the goods or services on which the mark is used, a reproduction of the mark, the registration date and the term of the registration.

II. Any certificate of registration issued by the secretary of state under the provisions hereof or a copy thereof duly certified by the secretary of state shall be admissible in evidence as competent and sufficient proof of the registration of such mark in any action or judicial proceedings in any court of this state.

350-A:5 Duration and Renewal.

I. Registration of a mark hereunder shall be effective for a term of ten years from the date of registration and, upon application filed within six months prior to the expiration of such term, on a form to be furnished by the secretary of state, the registration may be renewed for a like term. A renewal fee of ten dollars, payable to the secretary of state, shall accompany the application for renewal of the registration.

II. A mark registration may be renewed for successive periods of ten years in like manner.

III. The secretary of state shall notify registrants of marks hereunder of the necessity of renewal within the year next preceding the expiration of the ten years from the date of registration, by writing to the last known address of the registrants.

IV. Any registration in force on the date on which this chapter shall become effective shall expire ten years from the date of the registration or of the last renewal thereof or one year after the effective date of this chapter whichever is later, and may be renewed by filing an application with the secretary of state on a form furnished by him and paying the aforementioned renewal fee therefor within six months prior to the expiration of the registration.

V. All applications for renewals under this chapter whether of registrations made under this chapter or of registrations effected under any prior act, shall include a statement that the mark is still in use in this state.

VI. The secretary of state shall within six months after the effective date of this chapter notify all registrants of marks under previous acts of the date of expiration of such registrations unless renewed in accordance with the provisions of this chapter, by writing to the last known address of the registrants.

350-A:6 Assignment. Any mark and its registration hereunder shall be assignable with the good will of the business in which the mark is used, or with that part of the good will of the business connected with the use of and symbolized by the mark. Assignment shall be by instruments in writing duly executed and may be recorded with the secretary of state upon the payment of a fee of ten dollars payable to the secretary of state who, upon recording of the assignment, shall issue in the name of the assignee a new certificate for the remainder of the term of the registration or of the last renewal thereof. An assignment of any registration under this chapter shall be void as against any subsequent purchaser for valuable consideration without notice, unless it is recorded with the secretary of state within three months after the date thereof or prior to such subsequent purchase.

350-A:7 Records. The secretary of state shall keep for public examination a record of all marks registered or renewed under this chapter.

350-A:8 Cancellation. The secretary of state shall cancel from the register:

I. After one year from the effective date of this chapter, all registrations under prior acts which are more than ten years old and not renewed in accordance with this chapter;

II. Any registration concerning which the secretary of state shall receive a voluntary request for cancellation thereof from the registrant or the assignee of the record;

III. All registrations granted under this chapter and not renewed in accordance with the provisions hereof;

IV. Any registration concerning which a court of competent jurisdiction shall find

- (a) that the registered mark has been abandoned,
- (b) that the registrant is not the owner of the mark,
- (c) that the registration was granted improperly,
- (d) that the registration was obtained fraudulently,

V. When a court of competent jurisdiction shall order cancellation of a registration on any ground.

350-A:9 Classification. The following general classes of goods and services are established for convenience of administration of this chapter, but not to limit or extend the applicant's or registrant's rights, and a single application for registration of a mark may include any or all goods upon which, or services with which, the mark is actually being used comprised in a single class, but in no event shall a single application include goods or services upon which the mark is being used which fall within different classes of goods or services.

The said classes are as follows:

I. Goods:

- (1) Raw or partly prepared materials
- (2) Receptacles
- (3) Baggage, animal equipments, portfolios, and pocketbooks
- (4) Abrasives and polishing materials
- (5) Adhesives
- (6) Chemicals and chemical compositions
- (7) Cordage
- (8) Smokers' articles, not including tobacco products
- (9) Explosives, firearms, equipments, and projectiles
- (10) Fertilizers
- (11) Inks and inking materials
- (12) Construction materials
- (13) Hardware and plumbing and steam-fitting supplies
- (14) Metals and metal castings and forgings
- (15) Oils and greases
- (16) Paints and painters' materials
- (17) Tobacco products
- (18) Medicines and pharmaceutical preparations
- (19) Vehicles
- (20) Linoleum and oiled cloth
- (21) Electrical apparatus, machines, and supplies
- (22) Games, toys, and sporting goods
- (23) Cutlery, machinery, and tools, and parts thereof
- (24) Laundry appliances and machines
- (25) Locks and safes
- (26) Measuring and scientific appliances
- (27) Horological instruments
- (28) Jewelry and precious-metal ware
- (29) Brooms, brushes, and dusters
- (30) Crockery, earthenware, and porcelain
- (31) Filters and refrigerators
- (32) Furniture and upholstery
- (33) Glassware
- (34) Heating, lighting, and ventilating apparatus
- (35) Belting, hose, machinery packing, and non-metallic tires
- (36) Musical instruments and supplies
- (37) Paper and stationery
- (38) Prints and publications
- (39) Clothing
- (40) Fancy goods, furnishings, and notions
- (41) Canes, parasols, and umbrellas
- (42) Knitted, netted and textile fabrics, and substitutes therefor
- (43) Thread and yarn
- (44) Dental, medical, and surgical appliances
- (45) Soft drinks and carbonated waters
- (46) Foods and ingredients of foods
- (47) Wines
- (48) Malt beverages and liquors
- (49) Distilled alcoholic liquors
- (50) Merchandise not otherwise classified
- (51) Cosmetics and toilet preparations

(52) Detergents and soaps

II. Services:

(100) Miscellaneous

(101) Advertising and business

(102) Insurance and financial

(103) Construction and repair

(104) Communications

(105) Transportation and storage

(106) Material treatment

(107) Education and entertainment

350-A:10 Fraudulent Registration. Any person who shall for himself, or on behalf of any other person, procure the filing or registration of any mark in the office of the secretary of state under the provisions hereof, by knowingly making any false or fraudulent representation or declaration, verbally or in writing, or by any other fraudulent means, shall be liable to pay all damages sustained in consequence of such filing or registration, to be recovered by or on behalf of the party injured thereby in any court of competent jurisdiction.

350-A:11 Infringement. Subject to the provisions of section 13 any person who shall:

I. Use, without the consent of the registrant, any reproduction, counterfeit, copy, or colorable imitation of a mark registered under this chapter in connection with the sale, offering for sale, or advertising of any goods or services on or in connection with which such use is likely to cause confusion or mistake or to deceive as to the source of origin of such goods or services; or

II. Reproduce, counterfeit, copy or colorably imitate any such mark and apply such reproduction, counterfeit, copy or colorable imitation to labels, signs, prints, packages, wrappers, receptacles, or advertisements intended to be used upon or in conjunction with the sale or other distribution in this state of such goods or services; shall be liable to a civil action by the owner of such registered mark for any or all of the remedies provided in section 12, except that under paragraph II the registrant shall not be entitled to recover profits or damages unless the acts have been committed with knowledge that such mark is intended to be used to cause confusion or mistake or to deceive.

350-A:12 Injury to Business Reputation; Dilution. Likelihood of injury to business reputation or of dillution of the distinctive quality of a mark registered under this chapter, or a mark valid at common law, or a trade name valid at common law, shall be a ground for injunctive relief notwithstanding the absence of competition between the parties or the absence of confusion as to the source of goods or services.

350-A:13 Remedies.

I. Any owner of a mark registered under this chapter may proceed by suit to enjoin the manufacture, use, display or sale of any counterfeits or imitations thereof and any court of competent jurisdiction may grant injunctions to restrain such manufacture, use, display or sale as may be by the said court deemed just and reasonable, and may require the defendants to

pay to such owner all profits derived from and/or all damages suffered by reason of such wrongful manufacture, use, display or sale; and such court may also order that any such counterfeits or imitations in the possession or under the control of any defendant in such case, be delivered to an officer of the court, or to the complainant, to be destroyed.

II. The enumeration of any right or remedy herein shall not affect a registrant's right to prosecute under any penal law of this state.

350-A:14 Common Law Rights. Nothing herein shall adversely affect the rights or the enforcement of rights in marks acquired in good faith at any time at common law.

350-A:15 Severability. If any provision hereof, or the application of such provision to any person or circumstance is held invalid, the remainder of this act shall not be affected thereby.

448:2 Repeal. RSA 350 sections 1 through 17 inclusive relative to trademarks are hereby repealed.

448:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 449.

AN ACT RELATIVE TO ERRORS IN REPORTING ROOM AND MEALS TAXES AND COLLECTION OF THE ROOM AND MEALS TAX.

Be it Enacted by the Senate and House of Representatives in General Court convened:

449:1 Minor Discrepancy. Amend RSA 78-A by inserting after section 10 (supp) the following new section: **78-A:10-a Minor Over or Under Payments Disregarded.** Whenever it appears upon audit of his return that a taxpayer has overpaid his tax or has failed to pay the correct amount due and the discrepancy is less than one dollar, the director may, in his discretion, disregard the error and consider the matter closed if in his opinion the cost to the state to rectify the error would exceed the amount involved.

449:2 Collection of Tax. Amend RSA 78-A:21 (supp) as inserted by 1967, 213:1 by inserting at the end thereof the following new sentence (For the purposes of this section, operator in the case of corporations includes the president, treasurer, or any other person in a managerial capacity of said corporation) so that said section as amended shall read as follows: **78-A:21 Taxes as Property Lien.** If any operator required to collect and transmit a tax under this chapter neglects or refuses to pay the tax after demand, the amount, together with all penalties and interest provided for in this chapter and together with any costs that may accrue in addition to the tax becomes a lien in favor of the state upon all property and rights to property whether real or personal, belonging to the operator. The lien arises at the time demand is made by the commission and continues until

the liability for the sum, with interest and costs, is satisfied or becomes unenforceable. Certificates of release of such lien shall be given by the commission on the satisfaction of the lien. For the purposes of this section, operator in the case of corporations includes the president, treasurer, or any other person in a managerial capacity of said corporation.

449:3 Effective Date. This act shall take effect upon its passage.

[Approved July 3, 1969.]

[Effective date July 3, 1969.]

CHAPTER 450.

AN ACT RELATIVE TO TOWN CLERKS AND TOWN TAX COLLECTORS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

450:1 New Subdivision. Amend RSA 41 by inserting after section 45 the following new subdivision:

Town Clerk-Town Tax Collector Combined

41:45-a Approval by Town.

I. At any annual town meeting under an article in the warrant placed there by petition, the voters may, if the terms of office for town clerk and tax collector for said town are coterminous, vote, by ballot, to determine if they are in favor of having the office of town clerk combined with the office of tax collector, thereby creating a new office of town clerk-tax collector to be held by one individual. If the town has adopted an official ballot for election of its officers the town clerk shall insert the question relative to this matter on said official ballot, or if the town does not have an official ballot the town clerk shall prepare a special ballot for the same purpose. If a majority of those persons voting on the question vote in favor of creating the combined office of town clerk-tax collector, at the next annual meeting, occurring after the vote of approval, in which an election for town clerk and town tax collector is to be held, the town shall choose by ballot one individual as town clerk-tax collector, and such individual shall serve for a term of one year, or a term of three years as the petition may set forth.

II. At the annual town meeting held two years after the office of town clerk-tax collector has been created, under an article in the warrant placed there by petition, the voters may vote, by ballot, to determine if they are in favor of continuing the combined office. If a majority of those voting on the question do not vote in favor of continuing such combined office, at the next annual meeting, in which an election for town clerk-tax collector is to be held the voters shall choose one individual as town clerk and another individual as town tax collector.

41:45-b Requirements and Duties. Except as otherwise provided in this subdivision, all laws of this state pertaining to town clerks and town tax collectors shall apply in full to the office of town clerk-tax collector.

41:45-c Vacancies. Whenever a permanent vacancy occurs in the office of town clerk-tax collector, the selectmen shall appoint in writing, without delay, a suitable person to fill such vacancy, said person to serve until the town shall choose a new town clerk-tax collector at the next annual meeting, and such officer so chosen shall serve for the unexpired term. Any temporary vacancy in the office of town clerk-tax collector shall be filled by appointment by the selectmen of a suitable person to such office for the period of the town clerk-tax collector's absence.

450:2 Performance of Duties. Amend RSA 41:2 (supp) as amended by 1957, 198:1 by striking out in line six the word "severally" so that said section as amended shall read as follows: **41:2 — Optional Officers.** In addition to the officers which towns are hereinafter required to elect at the annual meeting, any town may choose one or more collectors of taxes, agents, overseers of public welfare, constables or police officers, and every other officer who may be directed by law to be chosen, and such other officers as it may judge necessary for managing its affairs, who shall perform the duties prescribed by law.

450:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 451.

AN ACT RELATIVE TO LIMITING ABUSES OF THE WELFARE SYSTEM; AMENDING CERTAIN STATUTES RELATIVE TO PUBLIC ASSISTANCE; AND ESTABLISHING A WORK INCENTIVE PROGRAM IN THE DEPARTMENT OF EMPLOYMENT SECURITY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

451:1 Eligibility for Welfare Assistance. Amend RSA 167 by inserting after section 2-a (supp) the following new section: **167:2-b Employment of Relatives of Persons Receiving Aid to Dependent Children or Public Welfare Assistance.** No person who is otherwise eligible for aid to dependent children or public assistance based on financial need shall receive public welfare assistance from the state unless and until all able-bodied adult males, under the age of sixty-five years, except those regularly attending school, related to such person, and regularly residing in the same household as such person, and legally liable to contribute to the support of such person and not prevented from maintaining employment and contributing to the support of such person by reason of physical or mental disability or other substantial or other justifiable cause, are employed on a full-time basis. The amount or amounts earned by the persons obliged to maintain employment hereunder shall be taken into consideration in determining the level of need for aid to dependent children or public assistance. Nothing in this section shall be so construed to deny to any minor dependent child any needed aid to dependent children or public assistance to which he would be otherwise

entitled. Unrelated adult males living in the same household in loco parentis as to any such person seeking aid to dependent children or public assistance shall be obliged to contribute to his or her support to the same extent as the father of such person, and in default thereof, shall be subject to the same penalties as the father of such person would be in such case. If any thing in this section conflicts with federal law or regulation related thereto, the federal law or regulation shall take precedence.

451:2 Town Aid to Paupers. Amend RSA 165 by inserting after section 31 (supp) the following new section: **165:32 Employment of Relatives.** No person who is otherwise eligible for support under this chapter shall receive such support unless and until all able-bodied adult males, under the age of sixty-five years, except those regularly attending school, related to such person, and regularly residing in the same household as such person, and legally liable to contribute to the support of such person and not prevented from maintaining employment and contributing to the support of such person by reason of physical or mental disability or other substantial or other justifiable cause, are employed on a full-time basis. The amount or amounts earned by the persons obligated to maintain employment hereunder shall be taken into consideration in determining the level of need for town support. Nothing in this section shall be so construed to deny to any minor dependent child any needed support to which he would otherwise be entitled. Unrelated adult males living in the same household in loco parentis as to any such person seeking town support shall be obligated to contribute to his or her support to the same extent as the father of such person, and in default thereof, shall be subject to the same penalties as the father of such person would be in such case. If anything in this section conflicts with federal law or regulation related thereto, the federal law or regulation shall take precedence.

451:3 County Aid to Paupers. Amend RSA 166 by inserting after section 22 (supp) the following new section: **166:23 Employment of Relatives.** No person who is otherwise eligible for support under this chapter shall receive such support unless and until all able-bodied adult males, under the age of sixty-five years, except those regularly attending school, related to such person, and regularly residing in the same household as such person, and legally liable to contribute to the support of such person and not prevented from maintaining employment and contributing to the support of such person by reason of physical or mental disability or other substantial or other justifiable cause, are employed on a full-time basis. The amount or amounts earned by the persons obligated to maintain employment hereunder shall be taken into consideration in determining the level of need for county support. Nothing in this section shall be so construed to deny to any minor dependent child any needed support to which he would otherwise be entitled. Unrelated adult males living in the same household in loco parentis as to any such person seeking county support shall be obligated to contribute to his or her support to the same extent as the father of such person, and in default thereof, shall be subject to the same penalties as the father of such person would be in such case. If anything in this section conflicts with federal law or regulation related thereto, the federal law or regulation shall take precedence.

451:4 Residence Requirements Eliminated. Amend RSA 167:6 (supp) as amended by 1957, 116:3, 1959, 177:1, 2, 1961, 271:3, and 1967, 396:5 by striking out said section and inserting in place thereof the following:

167:6 Definitions.

I. For the purposes hereof a person shall be eligible for old age assistance who is 65 years of age, is a citizen of the United States, and is a resident of the state.

II. For the purposes hereof a woman born in the United States shall be eligible for old age assistance who is 65 years of age, is a resident of the state, was married between the dates of March 2, 1907, and September 22, 1922, to an alien and lost her citizenship by such marriage.

III. For the purposes hereof a person shall be eligible for old age assistance who is 65 years of age, has resided continuously in the United States for ten years immediately preceeding his application for such aid and is a resident of the state.

IV. For the purposes hereof a person shall be eligible for aid to needy blind who has no vision or whose vision with correcting glasses is so defective as to prevent the performance of ordinary activities for which eye sight is essential and is a resident of the state. No person shall be eligible to receive such aid while receiving old age assistance, aid to the permanently and totally disabled, or aid to families with dependent children.

V. For the purposes hereof a person shall be eligible for aid to families with dependent children who is a needy child under the age of 18 or under the age of 21 and a student regularly attending a school, college, or university, or regularly attending a course of vocational or technical training designed to fit him for gainful employment, who has been deprived of parental support or care by reason of death, continued absence from the home, or physical or mental incapacity of a parent, who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, first cousin, nephew or niece, uncle or aunt in a place of residence in the state maintained by one or more of such relatives as his or their home. For purposes of this section a child shall be eligible who meets the above requirements except for his removal after April 30, 1961, from the home of a relative as defined herein as a result of a judicial determination and whose placement in a foster home and care are the responsibility of the division of welfare or another public agency which meets federal requirements and the state plan, who received aid to families with dependent children in the month in which court proceedings were initiated, or would have received such aid if application had been made within six months prior to the month in which such proceedings were initiated. No person shall be eligible to receive such aid while receiving old age assistance, aid to needy blind, or aid to permanently and totally disabled.

VI. For the purposes hereof a person shall be eligible for aid to the permanently and totally disabled who is between the ages of 18 and 64 inclusive; is a citizen of the United States and is a resident of the state, who is permanently and totally disabled. No person shall be eligible to receive such aid while receiving old age assistance, aid to needy blind, or aid to families with dependent children.

VII. For the purposes hereof a person shall be eligible for medical assistance who is a recipient of categorical assistance or a medically needy person as defined by the director of welfare, who resides in this state or is a resident and is temporarily absent, and whose income and resources are insufficient to meet the cost of necessary medical care and services.

451:5 Vendor Payments. Amend RSA 167:5 (supp) as amended by 1961, 271:2 and 1967, 396:4 by striking out in line ten the word "medical" so that said section as amended shall read as follows: **167:5 Designations.** Assistance granted to needy aged persons shall be designated as old age assistance; assistance granted to needy blind shall be designated as aid to the blind; assistance granted to needy dependent children shall be designated as aid to families with dependent children; assistance granted to the needy and permanently and totally disabled shall be designated as aid to the permanently and totally disabled; medical care and services provided individuals whose income and resources are insufficient to meet costs of necessary medical needs shall be designated as medical assistance. Assistance granted in these groups shall be in the form of money payments to or vendor payments in behalf of recipients and such separate records and accounts shall be kept and other requirements met as are necessary to qualify for grants-in-aid from the federal government.

451:6 Authorization. Amend RSA 167 by inserting after section 20-a the following new section: **167:20-b Authorization for Work Incentive Program.** For purposes of complying with federal requirements of the social security act in the joint administration of the work incentive program with the department of employment security, the director of the division of welfare is hereby authorized to manifest, upon presentation of statement of costs by the department of employment security for carrying out the program, the non-federal contribution required by the social security act.

451:7 Guardian. Amend RSA 167:26, as amended by 1961, 222:1, by striking out in lines one and two the words "old age assistance or aid to the permanently and totally disabled" and inserting in place thereof the following (public assistance) so that said section as amended shall read as follows: **167:26 Guardian.** If the person receiving public assistance is, on the testimony of reputable witnesses, found incapable of taking care of himself or his money, the director of the division of welfare, department of health and welfare, may make the payments of such assistance to any responsible person, guardian, or corporation, for his benefit.

451:8 Work Incentive Program (WIN) Participation Authorized for Department of Employment Security. Amend RSA 282 by inserting after section 21 the following new section:

282:22 Work Incentive Program (WIN) Participation Authorized for Department of Employment Security.

I. The department of employment security, through its commissioner, is hereby authorized to enter into an agreement, containing such provisions as the commissioner in his sole judgment deems in the best interests of the state, with the secretary of the United States department of labor in order to carry out those provisions of Part C of Title IV of the Social Security Act as amended by the Social Security Amendments of 1967 (P. L. 90-248) and

to perform such acts and do all those things which the commissioner finds necessary and appropriate to carry out such agreement. All the power and authority otherwise granted in this chapter to the commissioner shall equally apply under this section.

II. Solely for the purposes of carrying out the agreement authorized in paragraph I of this section, and all other statutory provisions to the contrary notwithstanding, the provisions of this section permit (a) the commissioner, in his sole judgment, to enter into such contracts with public and private organizations or persons as he deems appropriate to carry out the agreement, provided that the state and its officers are held harmless thereunder, (b) the commissioner to create outside the state treasury such special funds, the monies in which shall not lapse at any time or be transferred to any other fund, except as may be permitted by federal law, as he determines necessary to carry out the purposes of this section, (c) the commissioner to receive monies from the state and federal government, deposit, disburse and return monies provided under the agreement upon his warrant to the treasurer, but section 10 of this chapter shall be used (excepting title III monies) for all monies relative to administrative expenses in connection with the fulfillment of the agreement, except as otherwise provided in this section, (d) the treasurer, as provided in section 8 of this chapter, to be the treasurer of any special fund created outside the state treasury and it shall be safeguarded in such manner as may be required by federal requirement, but the cost of any bonds required shall be paid from monies provided under the agreement authorized by this section, (e) the commissioner to utilize as he deems appropriate the facilities of his department but without detriment thereto, and (f) the commissioner to employ such persons and pay their appropriate expenses and acquire necessary equipment and supplies as may be financed from federal monies furnished under the agreement to the state, and state funds transferred to the department of employment security for matching purposes.

III. In no event shall the commissioner acting under the authorization of this section permit or knowingly participate in the marking of or a requirement for the marking of any records or creation of any reports, oral or written, which show, tend to show or from which can be concluded with respect to any individual his race, color, ethnic origin, creed or religion. The commissioner shall neither yield any of the sovereignty of this state nor shall he attempt by consent to confer jurisdiction in any court whether for specific performance or otherwise with respect to the agreement.

451:9 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 452.

AN ACT TO PROHIBIT THE KILLING OF SEALS AND AUTHORIZING HUNTERS WITH
HUNTING DOGS TO POST CERTAIN HIGHWAYS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

452:1 Seals Protected. Amend RSA 210 by inserting after section 3-a the following new section: **210:3-b Seal.** It shall be unlawful for any person to take or to attempt to take at any time any species of seal. The provisions of this section shall not apply to licensed lobstermen and commercial fishermen. Notwithstanding any provisions to the contrary, whoever violates the provisions of this section shall be fined not more than one hundred dollars.

452:2 Hunting with Dogs. Amend RSA 207 by inserting after section 13 the following new section: **207:13-a Signs.** Any person, when hunting with dogs is permitted, may post along highways not more than two signs reading "Caution Hunting Dogs". These signs shall be twelve inches wide by twelve inches high with blaze orange letters on a yellow background and must be forty inches over-all height, and shall be posted no more than one thousand feet apart. Such hunter shall bear the cost and maintenance of his signs and shall not block driveways, intersections or rights of way with said signs. No such signs shall be posted on private roads or lands without permission of the owner. When not hunting, the owner of said signs shall remove the same.

452:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 453.

AN ACT RELATIVE TO THE NUMBER OF JUSTICES OF THE SUPERIOR COURT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

453:1 Number Related to Population. Amend RSA 491:1, as amended by 1963 260:1, by striking out said section and inserting in place thereof the following: **491:1 Justices.** The superior court shall consist of a chief justice and one associate justice for every sixty thousand inhabitants of the state or portion thereof, as determined by the most recent federal census. Said justices shall be appointed and commissioned as prescribed by the constitution, and shall exercise the powers of the court unless otherwise provided. The court shall also include any justices who have been retired from active service due to permanent disability.

453:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 454.

AN ACT INCREASING THE AMOUNT AUTHORIZED FOR STATE GUARANTEE OF MUNICIPAL BONDS FOR WATER POLLUTION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

454:1 Municipal Pollution Bonds. Amend RSA 149:5 (supp) as amended by 1957, 213:2; 1961, 182:1; 1963, 167:1; 1966, 3:1; and 1967, 148:1 by striking out in lines five and fourteen the word "fifty-five" and inserting in place thereof the words (seventy-five) so that said section as amended shall read as follows: **149:5 State Guarantee.** In view of the general public benefits resulting from the elimination of pollution from the public waters of the state, the governor and council are authorized in the name of the state of New Hampshire to guarantee unconditionally, but at no time in excess of the total aggregate sum for the entire state of seventy-five million dollars, the payment of all or any portion, as they may find to be in the public interest, of the principal of and interest on any bonds or notes issued by any municipality, town, city, county, or district for construction of sewage systems, sewage treatment and disposal plants, or other facilities necessary, required or desirable for pollution control, and the full faith and credit of the state are pledged for any such guarantee. The outstanding amount of principal and interest on such bonds and notes, the payment of which has been guaranteed by the state under the provisions of this section, shall at no time exceed the amount of seventy-five million dollars. The state's guarantee shall be endorsed on such bonds or notes by the state treasurer; and all notes or bonds issued with state guarantee shall be sold (1) at public sealed bidding, (2) after publication of advertisement for bids, (3) to the highest bidder. Any and all such bids may be rejected and a sale may be negotiated with the highest bidder. In the event of default in payment of any such notes or bonds, the state may recover any losses suffered by it by action against the town as provided in RSA 530.

454:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 455.

AN ACT RELATING TO HISTORICAL MARKERS ON STATE AND LOCAL HIGHWAYS AND
ESTABLISHING AN AMERICAN REVOLUTION BICENTENNIAL COMMISSION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

455:1 Yearly Limitation Changed. Amend RSA 249:38-a as amended by 1961, 31:1 by striking out in lines five and six the words "at any expense not to exceed five hundred dollars per year" and inserting in place thereof the sentence (The number of such signs shall not exceed ten per year) so that said section as amended shall read as follows: **249:38-a Authority for Erection.** The commissioner of public works and highways may on his own motion or shall, upon petition of twenty or more citizens of the state, erect, within the right-of-way of any class I, II or III highway, signs for the purpose of indicating the occurrence of historic events. The number of such signs shall not exceed ten per year. Prior to the erection of any such signs the commissioner shall consult and secure the approval of the state historical commission. Nothing herein shall be construed to permit the erection of signs which will interfere with the reasonable use of said highway.

455:2 Other Highways. Amend RSA 249 by inserting after RSA 249:39 the following new section: **249:39-a Erection Locally in Cooperation with State.** The state historical commission may enter into cooperative arrangements with cities, towns and local historical organizations for the erection, within the rights of way of any class IV and V highway, of signs for the purpose of indicating the occurrence of historic events, providing for the sharing of expense upon such basis as may be found reasonable by the commission, and upon condition that the city, town or local historical organization in question shall agree to the subsequent maintenance and care thereof.

455:3 Appropriation. For the purposes of RSA 249:39-a as inserted by section 2 of this act, there is hereby appropriated the sum of fifteen hundred dollars for the fiscal year ending June 30, 1970, and a like sum for the fiscal year ending June 30, 1971. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

455:4 American Revolution Bicentennial Commission. There is hereby established the New Hampshire Bicentennial Commission on the American Revolution for the purpose of cooperating with the national commission for the observance of the two-hundredth anniversary of the American Revolution (1775-1783). The said state commission shall be composed of the governor and twenty-five members to be appointed by the governor with the advice and consent of the council. Vacancies shall be filled in the same manner as the original appointments. In addition to cooperation with the national commission, the said state commission shall arrange for appropriate publication, public notice, and celebration, of notable events of the Revolution pertaining to this state including the capture of Fort William and Mary in December 1774, the adoption of the first state constitution in January 1775, New Hampshire's participation in the Battles of Bunker Hill and Bennington and such other like events as the commission may determine. The governor shall be ex officio honorary chairman; and the commission shall elect its own officers, including a chairman, vice-chairman, secretary

and treasurer. The commission is empowered to accept gifts and grants from whatsoever source and to enter into agreements regarding their expenditure. The state historical commission shall cooperate with and make available its facilities to the work of this commission. Members of this commission shall serve without compensation.

455:5 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 456.

AN ACT PROVIDING FOR THE ELECTION OF COUNTY COMMISSIONERS FOR THE COUNTY DISTRICTS OF ROCKINGHAM COUNTY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

456:1 County Commissioners, Election. Amend RSA 64:1 (supp) as amended by 1955, 261:1, 317:1; 1961, 59:1, 240:1; 1965, 245:1 and 1969, 285:1 by striking out said section and inserting in place thereof the following: **64:1 Election; Term.** There shall be chosen at each biennial election by ballot, by the inhabitants of the several towns in each county qualified to vote for state senators, a sheriff, a county attorney, a county treasurer, a register of deeds, a register of probate and, except in Cheshire county, three county commissioners, each of whom shall take office on January first next succeeding his election, and shall hold the same for two years and until his successor is chosen and qualified, provided, however, that in the counties of Rockingham, Grafton, Coos, Merrimack, and Hillsborough the inhabitants of the several towns in each of the commissioner districts, so qualified, shall choose at each election one commissioner for said district.

456:2 Commissioner Districts. Amend RSA 64 by inserting after section 1-e (supp), as inserted by 1965, 245:2 the following new section: **64:1-f Rockingham County Districts.** The county of Rockingham is divided into three districts, as provided in RSA 64:11, paragraph I, for the purpose of choosing county commissioners and each district is entitled to elect one commissioner.

456:3 Qualifications. Amend RSA 64:2 (supp) as amended by 1955, 261:3; 317:3; 1961, 59:3; 240:3 and 1965, 245:3 by inserting in line four before the word "Grafton" the word (Rockingham) so that said section as amended shall read as follows: **64:2 Eligibility.** No person is eligible to the office of sheriff, county attorney, county treasurer, register of deeds, register of probate, or county commissioner unless he is a resident of the county for which he is chosen, and, in the case of the county commissioners of the counties of Rockingham, Grafton, Coos, Merrimack, Cheshire, and Hillsborough unless he is a resident also of the district for which he is chosen. No person shall hold two of said offices at the same time, and the acceptance of one of them shall be a resignation of the others.

456:4 Commissioners. Amend RSA 64:12 (supp) as amended by 1955, 317:4; 1961, 59:4; 240:4 and 1965, 245:4 by inserting in line five after the word "of" the word (Rockingham) so that said section as amended shall read as follows: **64:12 Commissioners, Eligibility, Voting and Election.** In the foregoing counties, no person shall be eligible to be a candidate for county commissioner except from the district in which he is a resident. The inhabitants of said counties may vote for not more than one candidate from each district, except in the counties of Rockingham, Grafton, Coos, Merrimack, Cheshire, and Hillsborough where the inhabitants of each district therein may vote for not more than one candidate from said district. In all of said counties the candidate receiving the highest number of votes in any one district shall be declared elected county commissioner from that district.

456:5 Effective Date. This act takes effect for the nomination and election of Rockingham county commissioners at the biennial election in 1970, but nothing herein shall be construed as affecting the term of office or the qualification of the county commissioners in office at the time this act takes effect.

[Approved July 3, 1969.]

[Effective date. This act takes effect for the nomination and election of Rockingham county commissioners at the biennial election in 1970, but nothing herein shall be construed as affecting the term of office or the qualification of the county commissioners in office at the time this act takes effect.

CHAPTER 457.

AN ACT RELATING TO FILING NOTICES UNDER THE TIMBER CONSERVATION ACT AND
REQUIRING AN OWNER TO FURNISH SECURITY FOR PAYMENT OF THE YIELD TAX
AND ESTABLISHING A UNIFORM WEIGHTS AND MEASURES LAW.

Be it Enacted by the Senate and House of Representatives in General Court convened:

457:1 Permit to Cut. Amend RSA 79 by inserting after section 3 (supp) the following new section: **79:3-a Permit to Cut.** No owner shall cut growing wood and timber who does not own real estate in the town where he intends to cut until he has furnished a bond or other security, unless he has been excused from such requirement in writing by the assessing officials, and has filed a notice of intent to cut as provided herein and has applied for in writing and obtained a permit to cut from the assessing officials of the town in which such operation is to take place. The assessing officials shall issue a permit to cut unless such owner neglects or refuses to provide such security if required or to file such intent to cut. An owner who has applied for a permit to cut may, after twenty-four hours have elapsed following the receipt of the application therefor by the assessing officials, commence cutting unless the assessing officials have refused to issue a permit because a bond or other security has not been posted as required.

457:2 Model Weights and Measures. Amend RSA by inserting after chapter 359 the following new chapter:

Chapter 359-A Weights and Measures Standards

359-A:1 Meaning of Terms. When used in this chapter:

I. The word "person" shall be construed to mean both the plural and singular, as the case demands, and shall include individuals, partnerships, corporations, companies, societies, and associations.

II. The words "weight(s) and (or) measure(s)" shall be construed to mean all weights and measures of every kind, instruments and devices for weighing and measuring, and any appliances and accessories associated with any or all such instruments and devices, except that the term shall not be construed to include meters for the measurement of electricity, gas (natural or manufactured), or water when the same are operated in a public utility system. Such electricity, gas, and water meters are hereby specifically excluded from the purview of this chapter, and none of the provisions of this chapter shall be construed to apply to such meters or to any appliances or accessories associated therewith.

III. The words "sell" and "sale" shall be construed to mean barter and exchange.

IV. The term "commissioner" shall be construed to mean the commissioner of agriculture.

V. The term "inspector" shall be construed to mean a state inspector of weights and measures.

VI. The term "sealer" shall be construed to mean a sealer of weights and measures of a city.

VII. The term "intrastate commerce" shall be construed to mean any and all commerce or trade that is begun, carried on, and completed wholly within the limits of the state of New Hampshire, and the phrase "introduced into intrastate commerce" shall be construed to define the time and place at which the first sale and delivery of a commodity is made within the state, the delivery being made either directly to the purchaser or to a common carrier for shipment to the purchaser.

VIII. The term "commodity in package form" shall be construed to mean commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale, exclusive, however, of any auxiliary shipping container enclosing packages that individually conform to the requirements of this chapter. An individual item or lot of any commodity not in package form as defined in this section, but on which there is marked a selling price based on an established price per unit of weight or of measure, shall be construed to be commodity in package form.

IX. A "consumer package" or "package of consumer commodity" shall be construed to mean a commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals or use by individuals for the purposes of personal care or in the performance of services ordinarily rendered in or about the household or in connection with personal possessions.

X. A "nonconsumer package" or "package of nonconsumer commodity"

shall be construed to mean any commodity in package form other than a consumer package, and particularly a package designed solely for industrial or institutional use or for wholesale distribution only.

359-A:2 Systems of Weights and Measures. The system of weights and measures in customary use in the United States and the metric system of weights and measures are jointly recognized, and either one or both of these systems shall be used for all commercial purposes in the state of New Hampshire. The definitions of basic units of weight and measure, the tables of weight and measure, and weights and measures equivalents as published by the National Bureau of Standards are recognized and shall govern weighing and measuring equipment and transactions in the state.

359-A:3 Definitions of Special Units of Measure. The term "barrel" when used in connection with fermented liquor shall mean a unit of thirty-one gallons. The term "ton" shall mean a unit of two thousand pounds avoirdupois weight. The term "cord" when used in connection with wood intended for fuel purposes shall mean the amount of wood that is contained in a space of one hundred twenty-eight cubic feet when the wood is ranked and well stowed.

359-A:4 State Standards of Weight and Measure. Such weights and measures in conformity with the standards of the United States as have been supplied to the state by the federal government or otherwise obtained by the state for use as state standards shall, when the same shall have been certified as being satisfactory for use as such by the National Bureau of Standards, be the state standards of weight and measure. The state standards shall be kept in a safe and suitable place in the office or laboratory of the state division of weights and measures; they shall not be removed from the said office or laboratory except for repairs or for certification; and they shall be submitted at least once in ten years to the National Bureau of Standards for certification.

359-A:5 Field Standards and Equipment. In addition to the state standards provided for in section 359-A:4, there shall be supplied by the state such "field standards" and such equipment as may be found necessary to carry out the provisions of this chapter. The field standards shall be verified upon their initial receipt and at least once each year thereafter by comparison with the state standards.

359-A:6 Administration; Assistants; Inspections. The functions, powers and duties provided in this chapter are vested in the department of agriculture to be appraised and used by the commissioner of agriculture as specified herein and as otherwise provided by law. Subject to the state personnel regulations, and within the limits of available appropriations and funds, the commissioner of agriculture may employ such assistants and incur such expenses as may be necessary to carry out the provisions of this chapter. The commissioner, or his inspectors at his direction, shall at least once a year visit the various cities having local sealers and inspect their work and, in the performance of duties hereunder, he shall inspect the weights, measures, balances or any other weighing or measuring appliances of any person, firm, or corporation in said city.

359-A:7 General Powers and Duties of Commissioner. The commis-

sioner shall have the custody of the state standards of weight and measure and of the other standards and equipment provided for by this chapter, and shall keep accurate records of the same. The commissioner shall enforce the provisions of this chapter. He shall have and keep a general supervision over the weights and measures offered for sale, sold, or in use in the state. He shall biennially make to the governor a report on all of the activities of his office.

359-A:8 Specific Powers and Duties of Commissioner; Regulations. The commissioner shall issue from time to time reasonable rules and regulations for the enforcement of this chapter, which rules and regulations shall have the force and effect of law, and such rules and regulations shall be binding upon state inspectors, city sealers, and public weighmasters. These regulations may include (1) schedules of fees for testing and certification, (2) standards of net weight, measure, or count, and reasonable standards of fill for any commodity in package form, (3) rules governing the technical and reporting procedures to be followed and the report and record forms and marks of approval and rejection to be used by inspectors of weights and measures in the discharge of their official duties, (4) exemptions from the sealing or marking requirements of section 359-A:14 with respect to the weights and measures of such character or size that such sealing or marking would be inappropriate, impracticable, or damaging, to the apparatus in question, (5) rules governing the voluntary registration of servicemen and service agencies, and (6) rules governing the licensing of, and the technical and reporting procedures to be followed by, public weighmasters. These regulations shall include specifications, tolerances, and other technical requirements for weights and measures of the character of those specified in section 359-A:10, designed to eliminate from use, without prejudice to apparatus that conforms as closely as practicable to the official standards, those (1) that are not accurate, (2) that are of such construction that they are faulty (that is, that are not reasonably permanent in their adjustment or will not repeat their indications correctly), or (3) that facilitate the perpetration of fraud. The specifications, tolerances, and other technical requirements for commercial weighing and measuring devices, together with amendments thereto, as recommended by the National Bureau of Standards and published in National Bureau of Standards Handbook 44 and supplements thereto, or in any publication revising or superseding Handbook 44, shall be the specifications, tolerances, and other technical requirements for commercial weighing and measuring devices of the state of New Hampshire, except insofar as specifically modified, amended, or rejected by a regulation issued by the commissioner. For the purpose of this chapter, apparatus shall be deemed to be "correct" when it conforms to all applicable requirements promulgated as specified in this section. Other apparatus shall be deemed to be "incorrect." (4) All such regulations as are published by the National Bureau of Standards for the implementation of this New Hampshire weights and measures law including amendments, supplements and revisions thereto shall be adopted as part of this chapter.

359-A:9 — Testing of Standards; Testing at State-Supported Institutions. The commissioner, or his inspectors at his direction, at least once every five years, shall test the standards of weight and measure procured by

any city for which the appointment of a sealer of weights and measures is provided by this chapter, and shall approve the same when found to be correct, and he shall inspect such standards at least once every two years. He shall from time to time test all weights and measures used in checking the receipt or disbursement of supplies in every institution for the maintenance of which monies are appropriated by the legislature, reporting his findings, in writing, to the supervisory board and to the executive office of the institution concerned.

359-A:10 — General Testing. When not otherwise provided by law, the commissioner, or his inspectors at his direction, shall have the power to inspect and test, to ascertain if they are correct, all weights and measures kept, offered, or exposed for sale. It shall be the duty of the commissioner, within a twelve month period, or less, as he may deem necessary, to inspect and test, to ascertain if they are correct, all weights and measures commercially used (1) in determining the weight, measurement, or count of commodities or things sold, or offered or exposed for sale, on the basis of weight, measure, or of count, or (2) in computing the basic charge or payment for services rendered on the basis of weight, measure, or of count. Provided, however, that with respect to single-service devices (that is, devices designed to be used commercially only once and to be then discarded) and with respect to devices uniformly mass-produced, as by means of a mold or die, and not susceptible of individual adjustment, tests may be made on representative samples of such devices; and the lots of which such samples are representative shall be held to be correct or incorrect upon the basis of the results of the inspections and tests on such samples.

359-A:11 — Investigations. The commissioner, or his inspectors at his direction, shall investigate complaints made to him concerning violations of the provisions of this chapter, and shall, upon his own initiative, conduct such investigations as he deems appropriate and advisable to develop information on prevailing procedures in commercial quantity determination and on possible violations of the provisions of this chapter and to promote the general objective of accuracy in the determination and representation of quantity in commercial transactions.

359-A:12 — Inspection of Packages. The commissioner, or his inspectors at his direction, shall, from time to time, weigh or measure and inspect packages or amounts of commodities kept, offered, or exposed for sale, sold, or in the process of delivery, to determine whether the same contain the amounts represented and whether they be kept, offered, or exposed for sale or sold in accordance with law. When such packages or amounts of commodities are found not to contain the amounts represented, or are found to be kept, offered, or exposed for sale in violation of law, the commissioner may order them off sale and may so mark or tag them as to show them to be illegal. In carrying out the provisions of this section, the commissioner may employ recognized sampling procedures under which the compliance of a given lot of packages will be determined on the basis of the result obtained on a sample selected from and representative of such lot. No person shall (1) sell, or keep, offer, or expose for sale, in intrastate commerce, any package or amount of commodity that has been ordered off sale or marked or tagged as provided in this section unless and until

such package or amount of commodity has been brought into full compliance with all legal requirements, or (2) dispose of any package or amount of commodity that has been ordered off sale or marked or tagged as provided in this section and that has not been brought into compliance with legal requirements, in any manner, except with the specific approval of the commissioner.

359-A:13 — Stop-Use, Stop-Removal Orders. The commissioner, or his inspectors at his direction, shall have the power to issue stop-use orders, stop-removal orders, and removal orders with respect to weights and measures being, or susceptible of being, commercially used, and to issue stop-removal orders and removal orders with respect to packages or amounts of commodities kept, offered, or exposed for sale, sold, or in process of delivery, whenever in the course of his enforcement of the provisions of this chapter he deems it necessary or expedient to issue such orders; and no person shall use, remove from the premises specified, or fail to remove from the premises specified, any weight, measure, or package or amount of commodity contrary to the terms of a stop-use order, stop-removal order, or removal order issued under the authority of this section.

359-A:14 — Disposition of Correct and Incorrect Apparatus. The commissioner, or his inspectors at his direction, shall approve for use, and seal or mark with appropriate devices, such weights and measures as he finds upon inspection and test to be "correct" as defined in section 359-A:8, and shall reject and mark or tag as "rejected" such weights and measures as he finds, upon inspection or test, to be "incorrect" as defined in section 359-A:8, but which in his best judgment are susceptible of satisfactory repair. Provided, however, that such sealing or marking shall not be required with respect to such weights and measures as may be exempted therefrom by a regulation of the commissioner issued under the authority of section 359-A:8. The commissioner shall condemn, and may seize and destroy, weights and measures found to be incorrect, if not corrected or disposed of as required by section 359-A:19.

359-A:15 — Police Powers; Right of Entry and Stoppage. With respect to the enforcement of this chapter and any other law dealing with weights and measures that he is or may be empowered to enforce, the commissioner, or his inspectors at his direction, is hereby vested with special police powers, and is authorized to arrest, without formal warrant, any violator of the said laws, and to seize for use as evidence, without formal warrant, incorrect or unsealed weights and measures or amounts or packages of commodity found to be used, retained, offered, or exposed for sale or sold in violation of law. In the performance of his official duties, the commissioner is authorized to enter and go into or upon, without formal warrant, any structure or premises, and to stop any person whatsoever and to require him to proceed, with or without any vehicle of which he may be in charge, to some place which the commissioner may specify.

359-A:16 City Sealers of Weights and Measures; Appointment. There shall be a sealer of weights and measures in each city of not less than seventeen thousand population, according to the latest United States census. Said sealer shall be appointed by the mayor, with the consent of the city council, provided, however, that no person shall be so appointed until his

appointment has been approved in writing by the commissioner of agriculture and shall hold office during good behavior. The city sealer in said city shall have the same powers and duties as state inspectors have throughout the state.

359-A:17 City Standards and Equipment. The council of each city for which a sealer has been appointed as provided for by section 359-A:16 shall: (1) procure at the expense of the city such standards of weight and measure and such additional equipment, to be used for the enforcement of the provisions of this chapter in said city, as may be prescribed by the commissioner, (2) provide a suitable office for the sealer, and (3) provide for the necessary clerical services, supplies, and transportation, and for defraying contingent expenses incident to the official activities of the sealer in carrying out the provisions of this chapter. When the standards of weight and measure required by this section to be provided by a city shall have been examined and approved by the commissioner, they shall be the official standards for such city. It shall be the duty of the sealer to make, or to arrange to have made, at least as frequently as once a year, comparisons between his field standards and appropriate standards of a higher order belonging to his city or to the state, in order to maintain such field standards in accurate condition. Whenever the city council of a city shall neglect for six months to provide such standards, the city clerk of said city, on notification and request by the commissioner, shall provide the same and cause them to be tried, sealed, and deposited at the expense of the city.

359-A:18 Concurrent Jurisdiction. In cities for which sealers of weights and measures have been appointed as provided for in this chapter, the commissioner shall have concurrent authority to enforce the provisions of said chapter.

359-A:19 Duty of Owners of Incorrect Apparatus. Weights and measures that have been rejected under the authority of the commissioner or of a sealer shall remain subject to the control of the rejecting authority until such time as suitable repair or disposition thereof has been made as required by this section. The owners of such rejected weights and measures shall cause the same to be made correct within thirty days or such longer period as may be authorized by the rejecting authority; or, in lieu thereof said owners may dispose of the same, but only in such manner as is specifically authorized by the rejecting authority. Weights and measures that have been rejected shall not again be used commercially until they have been officially reexamined and found to be correct, or until specific written permission for such use is issued by the rejecting authority.

359-A:20 Method of Sale of Commodities; General. Commodities in liquid form shall be sold only by liquid measure or by weight, and, except as otherwise provided in this chapter, commodities not in liquid form shall be sold only by weight, by measure of length or area, or by count. Provided, however, that liquid commodities may be sold by weight, and commodities not in liquid form may be sold by count, only if such methods give accurate information as to the quantity of commodity sold. And provided further, that the provisions of this section shall not apply (1) to commodities when sold for immediate consumption on the premises where sold, (2) to vegetables when sold by the head or bunch, (3) to commodities in con-

tainers standardized by a law of this state or by federal law, (4) to commodities in package form when there exists a general consumer usage to express the quantity in some other manner, (5) to concrete aggregates, concrete mixtures, and loose solid materials such as earth, soil, gravel, crushed stone, and the like, when sold by cubic measure, or (6) to unprocessed vegetable and animal fertilizer when sold by cubic measure. The commissioner may issue such reasonable regulations as are necessary to assure that the amounts of a commodity sold are determined in accordance with good commercial practice and are so determined and represented as to be accurate and informative to all parties at interest.

359-A:21 — Packages; Declarations of Quantity and Origin; Variations; Exemptions. Except as otherwise provided in this chapter, any commodity in package form introduced, or delivered for introduction into, or received in intrastate commerce, kept for the purpose of sale, or offered or exposed for sale in intrastate commerce, shall bear on the outside of the package such definite, plain, or conspicuous declarations of (1) the identity of the commodity in the package unless the same can easily be identified through the wrapper or container, (2) the net quantity of the contents in terms of weight, measure, or count, and (3) in the case of any package kept, offered, or exposed for sale, or sold in any place other than on the premises where packed, the name and place of business of the manufacturer, packer, or distributor, as may be prescribed by regulation issued by the commissioner. Provided, however, that, in connection with the declaration required under clause, (2) of this section, neither the qualifying term "when packed" or any words of similar import, nor any term qualifying a unit of weight, measure, or count (for example, "jumbo," "giant," "full," and the like) that tends to exaggerate the amount of commodity in a package shall be used. And provided further, that under said clause (2), the commissioner shall, by regulation, establish (a) reasonable variations to be allowed, which may include variations below the declared weight or measure caused by ordinary and customary exposure, only after the commodity is introduced into intrastate commerce, to conditions that normally occur in good distribution practice and that unavoidably result in decreased weight or measure, (b) exemptions as to small packages, and (c) exemptions as to commodities put up in variable weights or sizes for sale intact and either customarily not sold as individual units or customarily weighed or measured at time of sale to the customer.

359-A:22 — Declarations of Unit Price on Random Packages. In addition to the declarations required by section 359-A:21, any commodity in package form, the package being one of a lot containing random weights, measures, or counts of the same commodity and bearing the total selling price of the package, shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight, measure, or count.

359-A:23 — Misleading Packages. No commodity in package form shall be so wrapped, nor shall it be in a container so made, formed, or filled as to mislead the purchaser as to the quantity of the contents of the packages; and the contents of a container shall not fall below such reasonable standard of fill as may have been prescribed for said commodity by the commissioner.

359-A:24 — Advertising Packages for Sale. Whenever a commodity in package form is advertised in any manner and the retail price of the package is stated in the advertisement, there shall be closely and conspicuously associated with such statement of price a declaration of the basic quantity of contents of the package as is required by law or regulation to appear on the package. Provided, however, that, where the law or regulation requires a dual declaration of net quantity to appear on the package, only the declaration that sets forth the quantity in terms of the smaller unit of weight or measure (the declaration that is required to appear first and without parentheses on the package) need appear in the advertisement. And provided further, that there shall not be included as part of the declaration required under this section such qualifying terms as “when packed,” “minimum,” “not less than,” or any other terms of similar import, nor any term qualifying a unit of weight, measure or count (for example, “jumbo,” “giant,” “full,” and the like) that tends to exaggerate the amount of commodity in the package.

359-A:25 Sale by Net Weight. The word “weight” as used in this chapter in connection with any commodity shall mean net weight. Whenever any commodity is sold on the basis of weight, the net weight of the commodity shall be employed, and all contracts concerning commodities shall be so construed.

359-A:26 Misrepresentation of Price. Whenever any commodity or service is sold, or is offered, exposed, or advertised for sale, by weight, measure, or count, the price shall not be misrepresented, nor shall the price be represented in any manner calculated or tending to mislead or deceive an actual or prospective purchaser. Whenever an advertised, posted, or labeled price per unit of weight, measure, or count includes a fraction of a cent, all elements of the fraction shall be prominently displayed and the numeral or numerals expressing the fraction shall be immediately adjacent to, of the same general design and style as, and at least one-half the height and width of the numerals representing the whole cents.

359-A:27 Meat, Poultry, and Seafood. Except for immediate consumption on the premises where sold, or as one of several elements comprising a ready-to-eat meal sold as a unit for consumption elsewhere than on the premises where sold, all meat, meat products, poultry (whole or parts), and seafood except shellfish, offered or exposed for sale or sold as food shall be offered or exposed for sale and sold by weight. When meat, poultry, or seafood is combined with or associated with some other food element or elements to form either a distinctive food product or a food combination, such food product or combination shall be offered or exposed for sale and sold by weight, and the quantity representation may be the total weight of the product or combination, and a quantity representation need not be made for each of the several elements of the product or combination.

359-A:28 Bread. It shall be unlawful for any person to make for sale, sell, offer to sell or procure to be sold any bread unless each loaf is enclosed in a wrapper plainly showing its weight and the name of the manufacturer thereof, and any further information that may be prescribed by regulation issued by the commissioner.

359-A:29 Butter, Oleomargaine, and Margarine. Butter, oleomargarine, and margarine shall be offered and exposed for sale and sold by weight, and only in units of one-quarter pound, one-half pound, one pound, or multiples of one pound, avoirdupois weight.

359-A:30 Fluid Dairy Products. All fluid dairy products, including but not limited to whole milk, skimmed milk, cultured milk, sweet cream, sour cream, and buttermilk, shall be packaged for retail sale only in units of one gill, one-half liquid pint, ten fluid ounces, one liquid pint, one liquid quart, one-half gallon, one gallon, and one and one-half gallons, two gallons, two and one-half gallons, or multiples of one gallon. Provided, however, that packages in units of less than one gill shall be permitted.

359-A:31 Flour, Corn Meal, and Hominy Grits. When in package form, and when packed, kept, offered, or exposed for sale or sold, wheat flour, whole wheat flour, graham flour, self-rising wheat flour, phosphated wheat flour, bromated flour, enriched flour, enriched self-rising flour, enriched bromated flour, corn flour, corn meal, and hominy grits shall be packaged only in units of two, five, ten, twenty-five, fifty, or one hundred pounds, avoirdupois weight. Provided, however, that packages in units of less than two pounds or more than one hundred pounds shall be permitted.

359-A:32 Bulk Deliveries Sold in Terms of Weight and Delivered by Vehicle. When a vehicle delivers to an individual purchaser a commodity in bulk, and the commodity is sold in terms of weight units, the delivery shall be accompanied by a duplicate delivery ticket with the following information clearly stated, in ink or by means of other indelible marking equipment and, in clarity, equal to type or printing, (1) the name and address of the vendor, (2) the name and address of the purchaser, and (3) the net weight of the delivery expressed in pounds, and, if the net weight is derived from determinations of gross and tare weights, such gross and tare weights also shall be stated in terms of pounds. One of these tickets shall be retained by the vendor, and the other shall be delivered to the purchaser at the time of delivery of the commodity, or shall be surrendered, on demand, to the commissioner, or the inspector, or the sealer, who, if he desires to retain it as evidence, shall issue a weight slip in lieu thereof for delivery to the purchaser. Provided, however, that, if the purchaser, himself, carries away his purchase, the vendor shall be required only to give to the purchaser at the time of sale a delivery ticket stating the number of pounds of commodity delivered to him.

359-A:33 Furnace and Stove Oil. All furnace and stove oil shall be sold by liquid measure or by net weight in accordance with the provisions of section 359-A:20. In the case of each delivery of such liquid fuel not in package form and in an amount greater than ten gallons in the case of sale by liquid measure or one hundred pounds in the case of sale by weight, there shall be rendered to the purchaser, either (a) at the time of delivery or (b) within a period mutually agreed upon in writing or otherwise between the vendor and the purchaser, a delivery ticket or a written statement on which, in ink or by means of other indelible marking equipment and, in clarity, equal to type or printing, there shall be clearly stated (1) the name and address of the vendor, (2) the name and address of the purchaser, (3) the identity of the type of fuel comprising the delivery, (4) the unit

price (that is, the price per gallon or per pound, as the case may be) of the fuel delivered, (5) in the case of sale by liquid measure, the liquid volume of the delivery, together with any meter readings from which such liquid volume has been computed, expressed in terms of the gallon and its binary or decimal subdivisions, and (6) in the case of sales by weight, the net weight of the delivery, together with any weighing scale readings from which such net weight has been computed, expressed in terms of tons or pounds avoirdupois.

359-A:34 Berries and Small Fruits. Berries and small fruits shall be offered and exposed for sale and sold by weight, or by measure in open containers having capacities of one-half dry pint, one dry pint, or one dry quart; provided, that the marking provisions of section 359:21 shall not apply to such containers.

359-A:35 Wood. It shall be unlawful to sell or offer to sell in this state any wood for fuel purposes, except standing trees, wood not exceeding sixteen inches in length, edgings, bobbin wood, clippings, slabs and other waste, in any other manner than by the cord or fraction thereof, unless the parties to the transaction otherwise agree; but no person, firm or corporation dealing in wood, or having or offering wood for sale, shall refuse to sell it by the hereinafter defined load or fractional part thereof, or by the cord or fractional part thereof. Wood not exceeding sixteen inches in length, edgings, bobbin wood, clippings, slabs and other waste may be sold by the load in the loose; provided, however, that a load shall contain eighty cubic feet, three quarters of a load sixty cubic feet, one half of a load forty cubic feet and one quarter of a load twenty cubic feet. No wood shall be sold by the load in any other dimensions. Whoever sells or offers for sale such wood by the load in the loose shall specify upon the outside of the delivery vehicle the cubic contents thereof, in figures at least one inch high. The commissioner of agriculture shall require the inspectors and sealers to measure the cart bodies or containers used in the delivery of wood by the standard load, to see if they contain the contents specified.

359-A:36 Fees. All fees collected by a state inspector or city sealer, and fines, under the provisions of this chapter shall be forwarded to the commissioner of agriculture to be by him forwarded to the state treasurer. The state treasurer shall keep said funds in a special account to be known as the weights and measures fund. From said fund shall be paid all expenses of the department of agriculture relative to weights and measures. In addition the state treasurer shall pay to each city having a city sealer, one-half of all fees collected in said city by state inspectors or city sealers, to be for the use of said city, for the purposes of this chapter. The sums in said special account shall not lapse but shall be available for weights and measures expenses for the succeeding year. Any additional funds in said account over and above the amount allowed by the legislature for appropriation for said function shall be available for further expenditures for said purposes in such amounts as the governor and council may approve.

359-A:37 Construction of Contracts. Fractional parts of any unit of weight or measure shall mean like fractional parts of the value of such unit as prescribed or defined in sections 359-A:2 and 359-A:3, and all contracts concerning the sale of commodities and services shall be construed in accordance with this requirement.

359-A:38 Hindering or Obstructing Officer; Penalties. Any person who shall hinder or obstruct in any way the commissioner, or any of the inspectors, or a sealer, in the performance of his official duties shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty dollars or more than two hundred dollars, or by imprisonment for not more than three months, or by both.

359-A:39 Impersonation of Officer; Penalties. Any person who shall impersonate in any way the commissioner, or any one of the inspectors, or a sealer, by the use of his seal or a counterfeit of his seal, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars or more than five hundred dollars, or by imprisonment for not more than one year, or by both.

359-A:40 Offenses and Penalties. It shall be unlawful for any person to:

I. Use or have in possession for the purpose of using for any commercial purpose specified in section 359-A:10, sell, offer, or expose for sale or hire, or have in possession for the purposes of selling or hiring, an incorrect weight or measure or any advice or instrument used to or calculated to falsify any weight or measure.

II. Use, or have in possession for the purpose of current use for any commercial purpose specified in section 359-A:10, a weight or measure that does not bear a seal or mark such as is specified in section 359-A:14, unless such weight or measure has been exempted from testing by the provisions of section 359-A:10 or by a regulation of the commissioner issued under the authority of section 359-A:8, or unless the device has been placed in service as provided by a regulation of the commissioner issued under the authority of section 359-A:8.

III. Dispose of any rejected or condemned weight or measure in a manner contrary to law or regulation.

IV. Remove from any weight or measure, contrary to law or regulation, any tag, seal, or mark placed thereon by the appropriate authority.

V. Sell, or offer or expose for sale, less than the quantity he represents of any commodity, thing, or service.

VI. Take more than the quantity he represents of any commodity, thing, or service, when, as buyer, he furnishes the weight or measure by means of which the amount of the commodity, thing, or service is determined.

VII. Keep for the purpose of sale, advertise, or offer or expose for sale, or sell any commodity, thing, or service in a condition or manner contrary to law or regulation.

VIII. Use in retail trade, except in the preparation of packages put up in advance of sale and of medical prescriptions, a weight or measure that is not so positioned that its indications may be accurately read and the weighing or measuring operation observed from some position which may reasonably be assumed by a customer.

IX. Violate any provision of this chapter or of the regulations promulgated under the provisions of this chapter for which a specific penalty has not been prescribed.

Any person who, by himself or by his servant or agent, or as the servant or agent of another person, performs any one of the acts enumerated in paragraphs I through IV of this section shall be guilty of a misdemeanor and, upon a first conviction thereof, shall be punished by a fine of not less than twenty dollars or more than two hundred dollars, or by imprisonment for not more than three months, or by both. Upon a second or subsequent conviction thereof, he shall be punished by a fine of not less than fifty dollars or more than five hundred dollars, or by imprisonment for not more than one year, or by both.

359-A:41 Injunction. The commissioner is authorized to apply to any court of competent jurisdiction for, and such court upon hearing and for cause shown may grant, a temporary or permanent injunction restraining any person from violating any provision of this chapter.

359-A:42 Presumptive Evidence. For the purposes of this chapter, proof of the existence of a weight or measure or a weighing or measuring device in or about any building, enclosure, stand, or vehicle in which or from which it is shown that buying or selling is commonly carried on, shall, in the absence of conclusive evidence to the contrary, be presumptive proof of the regular use of such weight or measure or weighing or measuring device for commercial purposes and of such use by the person in charge of such building, enclosure, stand, or vehicle.

359-A:43 Validity of Prosecutions. Prosecutions for violation of any provision of this chapter are declared to be valid and proper, notwithstanding the existence of any other valid general or specific act of this state dealing with matters that may be the same as or similar to those covered by this chapter.

359-A:44 Separability Provision. If any provision of this chapter is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the chapter and the applicability thereof to other persons and circumstances shall not be affected thereby.

359-A:45 Repeal of Conflicting Laws. All laws and parts of laws contrary to or inconsistent with the provisions of this act are repealed insofar as they might operate in the future; but as to offenses committed, liabilities incurred, and claims now existing thereunder, the existing law shall remain in full force and effect.

359-A:46 Citation. This act may be cited as the "Weights and Measures Act".

457:3 Repeal. RSA 359 relative to weights and measures is hereby repealed.

457:4 Effective Date. This act shall take effect July 1, 1969.

[Approved July 3, 1969.]

[Effective date July 1, 1969.]

CHAPTER 458.

AN ACT TO REGULATE THE PRACTICE OF LAND SURVEYING
AND TO PROVIDE FOR THE PERMISSIVE REGISTRATION OF PROFESSIONAL FORESTERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

458:1 New Chapter. Amend RSA by inserting after chapter 319 the following new chapter:

**Chapter 319-A
Land Surveying**

319-A:1 General Provisions.

I. In order to safeguard property and to promote the public welfare, the practice of land surveying in this state is hereby declared to be subject to regulation in the public interest.

II. It shall be unlawful for any person to practice or offer to practice land surveying in this state, as defined in the provisions of this chapter or to use in connection with his name, or otherwise assume, or advertise any title or description tending to convey the impression that he is a land surveyor, unless such person has been duly registered under the provision of this chapter. Admission to practice land surveying shall be determined upon the basis of individual personal qualification.

319-A:2 Definitions. As used herein the following terms shall be construed as follows:

I. The term "Board" as used in this chapter shall mean the New Hampshire state board of registration for land surveyors provided for herein.

II. A "Land Surveyor" is a professional specialist in the technique of measuring land, educated in the basic principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence and all requisite to the surveying of real property and engaged in the practice of land surveying as herein defined.

III. The term "land surveyor in-training" shall mean a candidate for registration as a land surveyor who, prior to completion of the requisite years of experience in surveying work provided in section 13 hereof, has met the preliminary requirements for registration as a land surveyor, and has been issued a certificate by the board stating that he is a land surveyor in-training.

IV. The term "Land Surveying" within the intent of this chapter, shall mean any service or work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence to the act of measuring and locating lines, angles, elevations, natural and man-made features in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water for the purpose of determining areas and volumes, for the monumenting of property boundaries, and for the platting and layout of lands and subdivisions thereof, including the topography, alignment and grades of streets,

and for the preparation and perpetuation of maps, record plats, and field note records that represent these surveys.

V. Nothing in this chapter shall be construed to give to a land surveyor the right to perform engineering design or other elements of the practice of professional engineering as defined in RSA 319:2 III.

319-A:3 Board; Appointments; Terms. A state board of registration for land surveyors is hereby created whose duty it shall be to administer the provisions of this chapter. The board shall consist of five land surveyors, of whom two shall also be foresters, who shall be appointed by the governor with the advice and consent of the council. Each member shall hold office for a term of five years from the date of appointment or until a successor shall have been duly appointed and shall have qualified. Initial appointments shall be for terms of one, two, three, four, and five years, respectively.

319-A:4 — Qualifications of Members. Each member of the board shall be a citizen of the United States and a resident of this state, and shall have been engaged in the practice of land surveying for at least twelve years, and shall have been in responsible charge of important surveying work for at least five years. The teaching and or surveying may be construed as responsible charge of important surveying work.

319-A:5 — Compensation and Expenses. Members of the board shall receive twenty-five dollars for each day actually engaged in the duties of the office, and shall be reimbursed for all actual traveling, incidental and clerical expenses necessarily incurred in carrying out the provisions of this chapter.

319-A:6 — Removal of Members; Vacancies. The governor and council may remove any member of the board for misconduct, incompetency, neglect of duty, or for any other sufficient cause. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor and council as provided in section 3.

319-A:7 — Organization and Meetings. The board shall hold at least four regular meetings each year. Special meetings shall be held at such times as the rules of the board may provide. Notice of all meetings shall be given in such a manner as the rules may provide. The board shall elect or appoint the following officers: A chairman, vice-chairman and secretary. Said secretary may or may not be a member of the board. A quorum of the board shall consist of not less than three members.

319-A:8 — Powers and Duties. The board shall have the power to adopt and amend all rules of procedures, not inconsistent with the constitution and laws of this state, which reasonably may be necessary for the proper performance of its duties and the regulations of the proceedings before it. The board shall adopt and have an official seal. The board may subpoena witnesses and compel their attendance, and also may require the production of books, papers and documents in a case involving the revocation of registration. Any member of the board may administer oaths or affirmations to witnesses appearing before the board. Any person failing or refusing to obey the subpoena or order of the board may be proceeded against in the same manner as for refusal to obey any other subpoena.

319-A:9 — Receipts and Disbursements. The secretary of the board shall receive and account for all monies derived under the provisions of this chapter, and shall pay the same to the state treasurer, who shall keep such monies in a separate fund to be known as the "Land Surveyors' Fund". Such fund shall be kept separate and apart from all other monies in the treasury, and shall be paid out only for the purposes hereof. All monies in the fund are hereby specifically appropriated for the use of the board. The secretary of the board shall receive such salary as the board shall determine in addition to the expenses provided herein. The board may employ such clerical or other assistants as are necessary for the proper performance of its work, and may make expenditures for any purpose which reasonably, in the opinion of the board, are necessary for the proper performance of its duties under this chapter. With the exception of the first year of operation, the total amount of payments made hereunder shall not exceed the amount of the fees collected hereunder.

319-A:10 — Records and Reports. The board shall keep a record of its proceedings and a register of all applicants for registration which register shall show: (a) the name, age, and residence of each applicant; (b) the date of the application; (c) the place of business of each applicant; (d) his educational and other qualifications; (e) whether or not an examination was required; (f) whether the applicant was rejected; (g) whether a certificate of registration was granted; (h) the date of the action of the board; and (i) such other information as may be deemed necessary by the board. The records of the board shall be prima facie evidence of the proceedings of the board set forth therein, and a transcript thereof duly certified under seal by the secretary of the board, shall be admissible in evidence with the same force and effect as if the original were produced. Biannually, as of June thirtieth, the board shall submit to the governor, not later than the following July thirty first, a report of its transactions of the preceding biennium, and also to transmit to him a complete statement of the receipts and expenditures of the board. The first such report shall be due in the year 1971.

319-A:11 — Form of Report. Said biennial report shall be in such form as may be prescribed by the secretary of state.

319-A:12 — Roster. A biennial roster as of June thirtieth in the year of the biennial report provided for herein, listing the names, registration number, and addresses of all registered land surveyors, shall be published by the secretary of the board during the next following month of September, commencing in September, 1969. As of June thirtieth of the year following each biennial report, a supplement shall be mailed to each person so registered, placed on file with the secretary of state and furnished to the public on request and payment of a reasonable charge in an amount determined by the board.

319-A:13 General Requirements for Registration as Land Surveyors. The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for registration as a land surveyor:

I. A specific record of six years or more of accumulated experience in land surveying work indicating that the applicant is competent to prac-

tice land surveying and the passing by the applicant of a written and/or oral examination prescribed by the board; or

II. A specific record of ten years or more of accumulated experience in land surveying work of a character satisfactory to the board and provided applicant is not less than thirty years of age, and provided that in a case where the evidence presented in the application does not appear to the board conclusive nor warranting the issuance of a certificate of registration, the applicant may also be required to pass an oral or written examination, or both, as the board may determine.

III. A year of accumulated experience for purposes of sections I and II above shall include, but not be limited to, the following:

(a) Any year during which the applicant was enrolled at an institution of higher learning pursuing a curriculum of surveying, engineering, forestry, or forestry technician, so long as the applicant completed at least one course in land surveying during the said enrollment; provided such education credits towards accumulated experience shall not exceed four years of accumulated experience; and/or

(b) Any year during which the applicant was actively engaged in land surveying work as a land surveyor-in-training under the supervision of a registered land surveyor; and/or

(c) Any substantial period of time (even if less than a full calendar year) during which the applicant, in the discretion of the board, was considered to be actively engaged in responsible land surveying work.

IV. An applicant for registration as a land surveyor who is a resident of a state, country, or territory where registration is prerequisite to the legal practice of land surveying, shall be registered in such state, country or territory prior to being eligible for registration as a land surveyor under this chapter.

319-A:14 Registration of Present Practitioners. Any person eligible for registration, who within one year after the effective date of this chapter, files with his application for registration as a land surveyor his affidavit stating that he was actively engaged in the practice of land surveying in this state for three years total prior to the effective date of this chapter, and includes in the affidavit the names and addresses of five references of whom three shall be land surveyors or registered professional engineers having personal knowledge of his land surveying experience, shall be eligible for registration as a land surveyor without written examination, and may be registered by the board providing the references are satisfactory. This section shall expire and be of no effect on and after one year next following the effective date of this chapter.

319-A:15 Character. No person shall be eligible for registration as a land surveyor who is not of good character and reputation.

319-A:16 Qualification as a Surveyor-in-training. As a surveyor-in-training the following shall be considered a minimum evidence that the applicant is qualified as a surveyor-in-training:

I. Experience and Examination. A person who has passed the board's written examination in fundamentals of land surveying shall be certified, or enrolled, as a land surveyor-in-training.

319-A:17 Applications and Registration Fees. Applications for registration shall be on forms prescribed and furnished by the board, shall contain statements made under oath, showing the applicant's education and detailed summary of his technical work, and shall contain not less than five references, of whom three shall be land surveyors or registered professional engineers having personal knowledge of his land surveying experience. The registration fee for land surveyors shall be thirty dollars, fifteen dollars of which shall accompany the application, the remaining fifteen dollars to be paid prior to the issuance of a certificate. Should the board deny the issuance of a certificate of registration to an applicant, the initial fee deposited shall be retained as an application fee. Applications for registration as a land surveyor-in-training shall be made on forms prescribed and furnished by the board and shall be accompanied by an application fee of ten dollars to cover the cost of the examination.

319-A:18 Examinations. When oral or written examinations for land surveyors are required, they shall be held at such time and place as the board shall determine. The scope of the examination and the method of procedure shall be prescribed by the board. A candidate failing an examination may apply for re-examination at the expiration of six months and will be re-examined without payment of additional fee. Subsequent examination will be granted upon payment of a fee to be determined by the board. The board upon application and payment of fee shall provide a written examination for land surveyor-in-training to any applicant within a reasonable period of time. Such examination shall be limited to the fundamentals of land surveying as normally taught in standard courses.

319-A:19 Certificates; Seals. The board shall issue a certificate of registration upon payment of registration fee as provided herein, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements hereof. This certificate shall authorize the practice of land surveying. The issuance of a certificate of registration by this board shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a registered land surveyor, while the said certificate remains unrevoked or unexpired. Each registrant hereunder shall upon registration obtain a seal of the design authorized by the board, bearing the registrant's name and the legend "Registered Land Surveyor". Plans, plats, and reports prepared by a registrant shall be stamped with said seal during the life of the registrant's certificate, but it shall be unlawful for any one to stamp or seal any document with said seal after the certificate of the registrant named thereon has expired or has been revoked, unless said certificate shall have been renewed or reissued. Upon successful passage of the examination for land surveyor-in-training, the board shall issue a certificate therefor which shall be valid for six years.

319-A:20 Expirations and Renewals. Certificates of registration shall expire on the last day of the month of December following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the secretary of the board to notify every person registered hereunder, of the date of the expiration of his certificate and the amount of the fee that shall be required for its renewal for one year; such notice shall be mailed at least one month in advance of the date of the expiration

of said certificate. Renewal may be effected at any time during the month of December by the payment of a fee of not less than four dollars nor more than ten dollars as determined by the board. The failure on the part of any registrant to renew his certificate annually in the month of December as required above shall not deprive such person of the right of renewal but the fee to be paid for the renewal of a certificate after the month of December and before the first day of May of the following year shall be one and one half times the normal renewal fee, and on and after the first day of May the fee to be paid shall be twice the normal renewal fee. The right of renewal shall be limited to a period of two years from the date of expiration of the certificate. After this period the certificate of a former registrant shall become null and void, but may be reinstated by the board after reapplication, payment of a fee of thirty dollars and after approval of the board. The board at its discretion may re-examine said former registrant.

319-A:21 Interstate Registration. The board may, upon application therefor, and payment of a fee of thirty dollars, issue a certificate of registration as a registered land surveyor to any person of any state or territory or possession of the United States, or of any country provided that the applicant's qualifications meet the requirements hereof and the rules established by the board.

319-A:22 Revocation of Certificates. The board shall have the power to revoke, suspend or annul the certificate of registration of any registrant who is found guilty of: (a) The practice of any fraud or deceit in obtaining a certificate of registration; (b) any gross negligence, incompetency, or misconduct in the practice of land surveying as a registered land surveyor. Any person may prefer charges of fraud, deceit, gross negligence, incompetency, or misconduct against any registrant. Such charges shall be in writing, shall be sworn to by the person making them and shall be filed with the secretary of the board. All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within three months after the date on which they shall have been preferred. The time and place for said hearing shall be fixed by the board, and a copy of the charges, together with a notice of the time and place of hearing, shall be served personally on or mailed to the last known address of such registrant, at least thirty days before the date fixed for the hearing. At any hearing, the accused registrant shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defense. If, after such hearing, three or more members of the board vote in favor of finding the accused guilty, the board shall revoke, suspend or annul the certificate of registration of such registered land surveyor.

319-A:23 Reissuance of Certificates. The board, for reasons it may deem sufficient, may reissue a certificate of registration to any person whose certificate has been revoked, providing three or more members of the board vote in favor of such reissuance. A new certificate of registration, to replace any certificate revoked, lost, destroyed or mutilated, may be issued, subject to the rules of the board, and a charge of three dollars shall be made for such issuance.

319-A:24 Violations and Penalties. Any person who shall practice or offer to practice land surveying in this state for others without being registered in accordance with the provisions of this chapter, or any person presenting or attempting to use as his own the certificate of registration or the seal of another, or any person who shall give any false or forged evidence of any kind to the board or to any member thereof in obtaining or attempting to obtain a certificate of registration, or any person who shall falsely impersonate any other registrant of like or different name, or any person who shall attempt to use an expired or non-existent or revoked certificate of registration or authorization, or any person who shall violate any of the provisions of this chapter, shall be guilty of a misdemeanor, and shall, upon conviction, be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars. It shall be the duty of all duly constituted officers of the state and all political subdivisions thereof to enforce the provisions of this chapter and to prosecute any person violating same.

319-A:25 Restraint of Violations. The superior court shall have jurisdiction in equity to restrain violations of section 24 of this chapter on proceedings brought by the attorney general or by any society of registered land surveyors incorporated under the laws of this state.

319-A:26 Exemptions. This chapter shall not be construed to prevent or to affect:

I. The practice of a person not a resident of and having no established place of business in this state, practicing herein, or elsewhere, the profession of surveying in connection with, or on account of, surveying work or construction being carried on, or to be carried on, in this state when such practice, wherever performed, does not exceed in the aggregate more than fifteen working days in any calendar year; provided such person is legally qualified by registration to practice the said profession in his own state or country in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this chapter. Practice for any portion of a day shall be deemed to be performed for a whole day.

II. The work of an employee or a subordinate of a person holding a certificate of registration under this chapter, or an employee of a person practicing lawfully under paragraph I of this section; and is done under the direct responsibility, checking, and supervision of a person holding a certificate of registration under this chapter or a person practicing lawfully under paragraph I of this section; or

III. The practice of officers and employees of the government of the United States and of the state of New Hampshire while engaged within this state in the practice of land surveying, for said agencies.

IV. The practice of surveying principles necessary in carrying out forest management practices, including the remarking of established boundaries or the establishment of new interior boundaries of a forest property, but not to include the establishment of boundaries common to another owner where the corners or boundary is unknown.

319-A:27 Review of Orders. Orders of the board shall be subject to rehearing and appeal in the manner prescribed by RSA 541 and any amendments thereto.

319-A:28 Invalid Sections. If any section or sections of this chapter shall be declared unconstitutional or invalid, this shall not invalidate any other sections of this chapter.

458:2 Appropriation. There is hereby appropriated the sum of thirty-five hundred dollars for the board of registration of land surveyors for the fiscal year ending June 30, 1970 and a like sum is hereby appropriated for the same purpose for the fiscal year ending June 30, 1971. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

458:3 New Chapter. Amend RSA by inserting after chapter 319-A as hereinbefore inserted the following new chapter:

Chapter 319-B Professional Foresters

319-B:1 Declaration of Purpose. It is the express purpose of this chapter to protect the public by improving the standards relative to the practice of forestry, to provide for the regulation of professional foresters, to protect the public from unqualified practitioners, and to help insure proper management of the forest resources of the state.

319-B:2 Use of Title or Description Limited. No person may use in connection with his name, or otherwise assume, nor use or advertise any title or description tending directly or indirectly to convey the impression that he is a registered forester, without having first been licensed and registered as a registered forester as provided in this chapter.

319-B:3 Definitions. The following terms shall have the meanings and definitions indicated below:

I. "Registered professional forester" shall mean a person who has been registered as qualified under this chapter to engage in the practice of forestry as herein defined.

II. "Practice of forestry" shall mean the scientific management of forests to produce a continuous supply of goods and services. Forest management implies the use of forest land for wood, water, recreation and game. Proper management necessitates investigation, evaluation and the formulation of plans and may require surveying of boundary lines, preparation of maps, cruising of timber, the responsibility for supervising forest protection, silviculture, utilization activities, and the economic analysis of protection, silviculture and utilization plans.

III. "Board" shall mean the New Hampshire Board of Registration for Professional Foresters as established by this chapter.

319-B:4 Board of Registration. A state board of registration for professional foresters is hereby created whose duties it shall be to administer the provisions of this chapter. The initial board shall consist of five professional foresters who shall be selected and appointed by the governor, with the advice of the council, from among but not limited to, a list of ten

nominees recommended by the Granite State Chapter of the Society of American Foresters and shall be qualified as required by section 5. Each member of the board shall receive a certificate of appointment, and shall file with the secretary of state an acceptance of his appointment. The five members of the initial board shall be appointed for terms as follows: one member for one year, one member for two years, one member for three years, one member for four years, and one member for five years. Upon the expiration of the term of any member of the initial board, the governor, with the advice of the council, shall appoint for a term of five years a registered professional forester having the qualifications set forth in section 5. Each member shall serve during the term for which appointed and until his successor is appointed and qualified.

319-B:5 Qualifications of Member of the Board. Each member of the board shall be a citizen of the United States and resident of New Hampshire, a fellow or member of the Society of American Foresters, and shall have engaged in the practice of Forestry for at least ten years.

319-B:6 Compensation and Reimbursement of Expenses. Each member of the board shall receive a nominal per diem sum as fixed by the board, not to exceed ten dollars per day, when actually attending to the work of the board or any of its committees and for time spent in necessary travel; and in addition shall be reimbursed for all actual travel and clerical expenses incurred in carrying out the provisions of this chapter. Per diem allowances and reimbursement for expenses will be paid by the state treasurer as provided by section 10.

319-B:7 Removal of Board Members; Vacancies. The governor, with the advice of the council, may remove any member of the board for misconduct, incompetence, or neglect of duty, when evidence is presented for just cause. Vacancies in membership of the board shall be filled for the unexpired term in the same manner as for an appointment for a full term.

319-B:8 Meetings of the Board. The members of the initial board shall be appointed within ninety days after the effective date of this chapter. The board shall hold a meeting within thirty days after its first members are appointed and thereafter the board shall hold at least two regular meetings each year. Meetings shall be held at such time and place as the bylaws may provide. Notice of all meetings shall be given as the bylaws of the board provide except that no more than one meeting may be held in any one calendar month. The board shall elect annually, a chairman, a vice-chairman, and a secretary. A quorum of the board shall consist of at least three members. Regular meetings shall be called by the chairman, and special meetings can be called by the chairman at the request of one of the other board members.

319-B:9 Bylaws and Procedures. The board shall have the power to make and promulgate all bylaws and rules reasonably necessary for the proper performance of its duties and the regulation of the proceedings brought before it so long as such bylaws and rules do not conflict with the constitution and statutes of the state of New Hampshire. The board shall adopt and have an official seal. The chairman, under his hand and seal of the board, may subpoena witnesses and compel their attendance, and may require the production of books, papers and documents in cases in-

volving the revocation of a license or practicing or offering to practice under the title of registered forester without a license. Any member of the board may administer oaths or affirmations to witnesses appearing before the board. If any person shall refuse to testify or to produce such books, papers and documents as may be deemed necessary and pertinent, the board may cause a petition to be filed with respect to such person under the provisions of RSA 491:19-20.

319-B:10 Receipts and Expenses. All monies received by the board shall be paid to the state treasurer who shall deposit the same into the general fund of the state. Bills for all expenses incurred by members of the board in the performance of their duties under this chapter shall be approved by the board and paid in accordance with the accounting laws and disbursing procedures of the state within the appropriation made therefor by the legislature; provided that the board shall not in any fiscal year expend more monies than were appropriated for such year.

319-B:11 Records and Reports. The board shall keep a record of its proceedings and a register of applications for registration. Such register shall show the name, age, residence and business address of each applicant, the date of application, his education and other qualifications, whether or not an examination was required, whether the application was rejected, whether a license was granted, the date of the action of the board, and such other information as the board shall deem necessary. Annually on or before the thirtieth day of September, the board shall submit to the governor a report of its transactions during the preceding fiscal year.

319-B:12 General Requirements for Registration. The minimum qualifications and requirements for registration as a registered forester shall be as follows:

I. Graduation from a curriculum in forestry of four years or more in a school or college accredited by the Society of American Foresters, and a specific work record of an additional two years experience in forestry work of a character satisfactory to the board indicating that the applicant is competent to practice forestry, or:

II. Successfully passing a written and/or oral examination designed to show the knowledge and skill approximating that obtained through graduation from an accredited four-year curriculum in forestry, and a specific record of eight years or more in forestry of such character that is satisfactory to the board indicating that the applicant is competent to practice forestry. Applicants who have not completed four years of formal education at an institution accredited by the Society of American Foresters may receive credit for one year's work experience for each year of successful academic work.

III. Any person who shall have been engaged in the practice of professional forestry as defined in paragraph II of section 3 for at least eight years in a period of twelve years immediately preceding the effective date of this section shall be eligible for registration as a registered forester without reference to the provisions set forth in paragraphs I and II of this section, provided such person shall file an application with the board within twelve months of the effective date of this section.

319-B:13 Application; Fees. Applications for registration shall be made on forms prescribed and furnished by the board, and shall contain statements made under oath as to citizenship, residence, the applicant's education, a detailed summary of his technical experience, and shall contain the names of not less than five references, three or more of whom shall be foresters having personal or professional knowledge of his forestry experience. The registration fee for a license as a registered forester shall be fixed by the board, but shall not exceed twenty-five dollars, one-half of which fee shall accompany the application, the balance to be paid before the issuance of the license. Should the applicant fail to remit the remaining balance within thirty days after being notified by registered mail that his application has been accepted, he shall forfeit the right to have a license so issued and said applicant may be required to again submit an original application and pay an original fee thereupon. Should the board deny the issuance of a license to any applicant, the fee deposited shall be retained by the board as an application fee.

319-B:14 Examination, Re-examination, Fee. When written and/or oral examinations are required, they shall be held at such time and place as the board may determine. The methods and procedure shall be prescribed by the board. A candidate failing an examination may apply for re-examination at the expiration of six months and shall be entitled to one re-examination without payment of additional fee. Subsequent re-examinations may be granted upon payment of a fee to be fixed by the board, but not in excess of twenty-five dollars.

319-B:15 Issuance of License; Endorsement of Documents. The board shall issue a license upon payment of the registration fee as provided herein to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this chapter. Licenses shall show the full name of the registrant, shall have a serial number, and shall be signed by the chairman and secretary under the seal of the board. The issuance of a license by the board shall be evidence that the person named therein is entitled to all the rights and privileges of a registered forester while said license remains unrevoked or unexpired. Plans, maps and reports issued by the registrant shall be endorsed with his name and license number during the life of the registrant's license, but it shall be a misdemeanor for anyone to endorse any document with said name and license number after the license of the registrant named thereon has expired or has been revoked, unless said license has been renewed or reissued. It shall be a misdemeanor for any registered forester to endorse any plan, map or report unless he shall have actually prepared such plan, map or report, or shall have been in the actual charge of the preparation thereof.

319-B:16 Expiration and Renewal of License. Licenses shall expire on the thirtieth day of June next following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the secretary of the board to notify, at his last registered address, every person registered under this chapter of the date of the expiration of his license and the amount of the fee that shall be required for its renewal for one year, such notice to be mailed at least one month in advance of the date of the expiration of said license. The board shall, each year, fix the

annual renewal fee for licenses, which fee shall not exceed the sum of twenty dollars. Renewal of licenses for the following year may be effected at any time during the month of June of the year in which such license has been issued or renewed by payment of the renewal fee fixed by the board. Such license may also be renewed within the ensuing six months by payment of an additional fee of one dollar per month, or fraction thereof, that the fixed renewal is delayed beyond the month of June. The board shall make an exception to the foregoing renewal provision in the case of a person who is in the armed services of the United States.

319-B:17 Firms, Partnerships and Corporations. Registration shall be determined upon a basis of individual, personal qualifications. No firms, companies, partnerships or corporations shall be registered under this chapter.

319-B:18 Reciprocity. A person not a resident of, and having no established place of business in New Hampshire, or who has recently become a resident thereof, may not use the title registered forester unless (1) such person is legally registered as a registered forester in his own state or country and has submitted evidence to the board that he is so registered, and (2) the state or country in which he is registered observes these same rules of reciprocity in regard to persons registered under the provisions of this chapter.

319-B:19 Revocation and Reissuance of Licenses. The board shall have the power and responsibility to revoke the license of any registrant who is found guilty by the board of gross negligence, incompetence or misconduct in the practice of forestry. The board is empowered to designate a person or persons to investigate and report to it upon any charge of fraud, deceit, gross negligence, incompetence or other misconduct in connection with any forestry practice against any registrant, as may come to its attention. Such person or persons so designated shall receive the same compensation and shall be reimbursed for expenses in the same as prescribed for the board in section 6. Any person may prefer charges of fraud, deceit, gross negligence, incompetence or other misconduct in connection with any forestry practice against any registrant. Such charges shall be in writing, shall be sworn to by the person making them, and shall be filed with the secretary of the board. All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within three months after the date on which they shall have been preferred. The time and place for said hearing shall be fixed by the board, and a copy of the charges, together with a notice of the time and place of the hearing shall be personally served upon such registrant at least thirty days before the date fixed for the hearing. At any hearing the accused registrant shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defense. If after such hearing three or more members of the board vote to find the accused guilty, the board shall revoke the license of such registered forester. Any person whose license has been revoked as herein provided, may apply for a review of the action of the board under and in accordance with the provisions of RSA 541. The board, for reasons it may deem sufficient, may reissue a license to any person whose license has been revoked when three

or more members of the board vote in favor of such reissuance. A new license to replace any license revoked, lost, destroyed or mutilated, may be issued, subject to the rules of the board, and a charge of three dollars shall be made for such reissuance.

319-B:20 Violations and Penalties. Any person who shall use in connection with his name or otherwise assume, use or advertise any title or description tending directly or indirectly to convey the impression that he is a registered forester in this state, without being registered or exempt in accordance with the provisions of this chapter, or any person who shall present or attempt to use as his own the license of another, or any person who shall give any false or forged evidence of any kind to the board or to any member thereof in obtaining a license, or any person who shall attempt to use an expired or revoked license, or any person, firm, partnership or corporation who shall violate any of the provisions of this chapter, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than two hundred dollars for each offense. The board, or such person or persons as may be designated by the board to act in its stead, is empowered to prefer charges for any violations of this chapter in any court of competent jurisdiction in any county in the state in which such violation shall have occurred. It shall be the duty of all duly constituted officers of the law of the state or of any political subdivision thereof, to enforce the provisions of this chapter, and to prosecute any persons, firms, partnerships or corporations violating the same. The attorney general shall act as legal advisor to the board, and shall render such legal assistance as may be necessary in carrying out the provisions of this chapter.

458:4 Appropriation. There is hereby appropriated the sum of five hundred dollars for the board of registration of professional foresters for the fiscal year ending June 30, 1970 and a like sum is hereby appropriated for the same purposes for the fiscal year ending June 30, 1971. The governor is authorized to draw his warrants for the sums appropriated hereunder out of any money in the treasury not otherwise appropriated.

458:5 Effective Date.

I. The provisions of RSA 319-A:1, II, RSA 319-A:19 and RSA 319-A:24 shall take effect July 1, 1970; all other provisions of sections 1 and 2 shall take effect on July 1, 1969.

II. RSA 319-B:1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, and 14 as inserted by section 3, and section 4 of this act shall take effect sixty days after its passage, and all other provisions of RSA 319-B as inserted by section 3 of this act shall take effect on July 1, 1970.

[Approved July 3, 1969.]

[Effective Date. I. The provisions of RSA 319-A:1, II, RSA 319-A:19 and RSA 319-A:24 shall take effect July 1, 1970; all other provisions of sections 1 and 2 shall take effect on July 1, 1969.

II. RSA 319-B:1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, and 14 as inserted by section 3, and section 4 of this act shall take effect September 1, 1969 and all other provisions of RSA 319-B as inserted by section 3 of this act shall take effect on July 1, 1970.]

CHAPTER 459.**AN ACT RELATIVE TO THE LICENSING AND REGISTRATION
OF NURSING HOME ADMINISTRATORS.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

459:1 New Chapter. Amend RSA by inserting after chapter 151 the following new chapter:

**Chapter 151-A
Nursing Home Administrators**

151-A:1 Definitions. As used in this chapter, unless otherwise stated, the following terms shall have the respective meanings hereinafter set forth:

I. "Board" means the board of examiners of nursing home administrators of the state of New Hampshire.

II. "Secretary" means the secretary of the board of examiners of nursing home administrators of the state of New Hampshire.

III. "Nursing home administrator" means any individual who is charged with the general administration of a nursing home whether or not such individual has an ownership interest in such home and whether or not his functions and duties are shared with one or more other individuals.

IV. "Provisional license" means a temporary license issued to a provisional nursing home administrator under and pursuant to this chapter.

V. "Provisional nursing home administrator" means an individual who has been licensed as such under and pursuant to the provisions of this chapter.

VI. "Nursing home" means any institution or facility, whether proprietary or non-proprietary, defined as a nursing home for licensing purposes pursuant to RSA 151, or the equivalent facility or facilities as defined by the secretary of the United States Department of Health, Education and Welfare.

151-A:2 Nursing Home Administrator License Required. Effective July 1, 1970, no nursing home in the state may operate unless it is under the supervision of an administrator who holds a currently valid nursing home administrator's license and registration, or provisional license, issued pursuant to this chapter. No person shall practice or offer to practice nursing home administration in this state or use any title, sign, card or device to indicate that he is a nursing home administrator, unless such person shall have been duly licensed and registered as a nursing home administrator as required by this chapter. Provided, however, nothing in this chapter or the rules and regulations thereunder shall be construed to require an applicant for a license as a nursing home administrator or a provisional license, who is certified by a recognized church or religious denomination which teaches reliance on spiritual means alone for healing as having been approved to administer institutions certified by such church or denomination for the care and treatment of the sick in accordance with its teachings, to demonstrate proficiency in any medical techniques or to meet any medi-

cal educational qualifications or medical standards not in accord with the remedial care and treatment provided in such institutions.

151-A:3 Board of Examiners of Nursing Home Administrators.

I. There shall be a board of examiners of nursing home administrators, which board shall be composed of nine members, as follows: Four members shall be nursing home administrators duly licensed and registered under this chapter, except that such members of the initial board shall be required only to possess the qualifications and be eligible for provisional licensure as required under this chapter; four members shall be selected from other professions and institutions concerned with the care of chronically ill and infirm aged patients; and one member representative of the public at large; provided, however, that no more than two of the members of the board shall be officials or full time employees of state or local governments; and, provided further, that less than a majority of the board shall be representatives of a single profession or institutional category. All members of the board shall be citizens of the United States or shall have declared their intent to become citizens of the United States, and shall be residents of this state.

II. Terms of Office. Three members of the initial board shall be appointed for a one year term of office; three members of the initial board shall be appointed for a two year term of office; and three members of the initial board shall be appointed for a three year term of office. Thereafter, the term of office for each member of the board shall be three years. No member shall serve more than two consecutive full terms.

III. Nominations and appointments.

(a) Appointments to the board shall be made by the governor after consultation with the associations and societies appropriate to the disciplines and professions representative of the vacancies to be filled.

(b) Each member of the board, before beginning his term of office shall receive a certificate of appointment, and shall file the constitutional oath of office.

(c) The governor may remove any examiner for misconduct, incapacity, incompetence, or neglect of duty after the examiner so charged has been served with a written statement of charges and has been given an opportunity to be heard.

(d) Members of the board shall receive no compensation, but each shall be entitled to receive his reasonable expenses actually and necessarily incurred in the performance of his duties.

IV. Organization.

(a) The board shall elect annually from its membership a chairman and vice-chairman.

(b) The board shall hold two or more meetings each year. At any meeting a majority shall constitute a quorum.

V. Secretary. The deputy health officer of the division of public health services shall be the secretary of the board. He shall be the executive officer of the board but shall not be a member of the board. He shall have such powers and perform such duties as are prescribed by law and the rules and regulations of the board.

151-A:4 Functions and Duties of the Board.**I. It shall be the function and duty of the board to:**

(a) Develop, impose, and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to insure that nursing home administrators will be individuals who are of good character and are otherwise suitable, and who, by training or experience in the field of institutional administration, are qualified to serve as nursing home administrators;

(b) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards;

(c) Issue licenses and registrations to individuals determined, after application of such techniques, to meet such standards, and revoke or suspend licenses or registrations previously issued by the board in any case where the individual holding any such license or registration is determined substantially to have failed to conform to the requirements of such standards;

(d) Establish and carry out procedures designed to insure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards;

(e) Receive, investigate, and take appropriate action with respect to, any charge or complaint filed with the board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards;

(f) Conduct a continuing study and investigation of nursing homes and administrators of nursing homes within the state with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes who have been licensed as such.

II. The board or any committee thereof designated by the board acting in an official capacity, shall have the authority to issue subpoenas, compel the attendance of witnesses, administer oaths and take testimony of all matters within the jurisdiction of the board. The board shall not be bound by the strict rules of evidence in the conduct of its proceedings but any determinations made shall be founded upon sufficient legal evidence to sustain them.

III. The board shall also have the authority to make rules and regulations, not inconsistent with law, as may be necessary for the proper performance of its duties, and to take such other actions as may be necessary to enable the state to meet the requirements set forth in section 1908 of the Social Security Act, the federal rules and regulations promulgated thereunder, and other pertinent federal authority.

151-A:5 Qualifications for Admission to Examination.

I. The board shall admit to examination for licensure as a nursing home administrator any candidate who pays a fee of twenty-five dollars and submits evidence of good moral character and suitability prescribed by the board; and, that he is at least twenty-one years old; a citizen of the

United States, or that he has duly declared his intention of becoming a citizen of the United States; and that he has completed preliminary education satisfactory to the board; provided,

(a) That on, and after July 1, 1970 no applicant for license as a nursing home administrator shall be admitted to such licensing examination, nor shall such applicant be entitled to or be granted a license as a nursing home administrator unless such applicant shall submit written evidence, on forms provided for such purpose by the board, that he has successfully completed a course of study and has been graduated from a high school or secondary school approved and recognized by the educational authorities of the state in which such school is located, or a political division thereof, or has submitted a certificate indicating that he has obtained high school or secondary school equivalency, such certificate being duly certified by a state educational authority or a political division thereof.

(b) That on, and after July 1, 1970, no applicant for license as a nursing home administrator shall be admitted to such licensing examination, nor shall such applicant be entitled to or be granted a license as a nursing home administrator unless he submits evidence satisfactory to the board that he possesses such training or experience in the field of institutional administration as is required by the rules and regulations of the board.

151-A:6 Examinations.

I. The board shall determine the subjects of examination for applicants for licensure as nursing home administrators, and the scope, content and format of such examinations which in any examination shall be the same for all candidates; provided, however, that such examinations shall include examination of the applicant to demonstrate his proficiency in the rules and regulations of the division of public health services pertaining to health and safety, and further provided that one point of credit shall be deducted from the passing grade of the examination for each year of administrative experience in a licensed nursing home, in determining the passing grade of such examination.

II. Examinations shall be held at least two times each year, at such times and places as the board shall designate.

151-A:7 Licenses.

I. An applicant for a license as a nursing home administrator who has

(a) successfully complied with the requirements of section 5 of this chapter and the standards provided for therein;

(b) passed the examination provided for in section 6 of this chapter; shall be issued a license on a form provided for that purpose by the board, certifying that such applicant has met the requirements of the laws, rules and regulations entitling him to serve, act, practice and otherwise hold himself out as a duly licensed nursing home administrator.

II. Provisional License.

(a) The board may issue a provisional license to any individual applying therefor who

(1) has served as a nursing home administrator during all of calendar year immediately preceding July 1, 1970 and

(2) meets the standards of the board and of this chapter relating to good character, suitability, age, and citizenship.

(b) Such provisional license will terminate on June 30, 1972; provided however that if, such provisional nursing home administrator shall have passed a qualifying examination as required by the board, a nursing home administrator license shall be issued to him.

III. Any license issued by the board under or pursuant to the provisions of this section shall be under the hand and seal of the secretary of the board.

IV. If the board issues a provisional license to any individual under the provisions of subdivision two of this section, there shall be provided in the state during all of the period for which such provisional license remains in effect a program of training and instruction designed to enable all provisional nursing home administrators to attain the qualifications necessary for licensure as a nursing home administrator.

V. If the board finds that programs of training and instruction conducted within the state are not sufficient in number or content to enable nursing home administrators to meet requirements established pursuant to this chapter, the board may request the division of public health services to institute and conduct or arrange with others to conduct one or more such programs, and shall make provision for their accessibility to residents of this state. The division of public health services may approve programs conducted within and without this state as sufficient to meet education and training requirements established pursuant to this chapter. For purposes of this subsection, the division of public health services shall have the authority to receive and disburse state funds allocated for this purpose and federal funds received pursuant to section 1908 (e) (1) of the Social Security Act.

151-A:8 Registration.

I. Every individual who holds a valid license as a nursing home administrator issued by the board under section 7 shall immediately upon issuance thereof be deemed registered with the board and be issued a certificate of registration. Thereafter, such individual shall biennially be required to apply to the board for a new certificate of registration and report any facts requested by the board on forms provided for such purpose.

II. Upon making an application for a new certificate of registration such individual shall pay a biennial registration fee of ten dollars.

III. Upon receipt of such application for registration, the registration fee and the evidence required with respect to the rules and regulations of the board, the board shall issue a certificate of registration to such nursing home administrator.

IV. The license of a nursing home administrator who fails to comply with the provisions of this section, and who continues to act as a nursing home administrator, may be suspended or revoked by the board, in accordance with the provisions of this chapter.

V. A nursing home administrator who has been duly licensed and registered in this state whose license shall not have been revoked or suspended, and whose registration has expired because he shall have temporarily abandoned the practice of nursing home administration, or shall have removed from the state, or for such other reason, may register within the state upon complying with the provisions of this section for registration, and also, filing with the board his affidavit of such facts.

VI. Only an individual who has qualified as a licensed and registered nursing home administrator under the provisions of this chapter, and who holds a valid current registration certificate pursuant to the provisions of this section for the current biennial registration period, shall have the right and the privilege of using the title "Nursing Home Administrator", and have the right and the privilege of using the abbreviation "N.H.A." after his name. No other person shall use or shall be designated by such title or such abbreviation or any other words, letters, sign, card or device tending to, or intended to indicate that such person is a licensed and registered nursing home administrator.

VII. The board shall maintain a register of all applications for licensing and registration of nursing home administrators, which register shall show:

- (a) The place of residence, name and age of each applicant;
- (b) The name and address of employer or business connection of each applicant;
- (c) The date of application; complete information of educational and experience qualifications;
- (d) The action taken by the board;
- (e) The serial number of the license and of registration certificates issued to the applicant;
- (f) The date on which the board reviewed and acted upon the application;
- (g) And such other pertinent information as may be deemed necessary.

151-A:9 Reciprocity. The board, subject to the provisions of this chapter and the rules and regulations of the board promulgated thereunder prescribing the qualifications for a nursing home administrator license, may endorse a nursing home administrator license issued by the proper authorities of any other state, upon payment of a fee of ten dollars, and upon submission of evidence satisfactory to the board that:

I. Such other state maintained a system and standard of qualifications and examinations for a nursing home administrator license which were substantially equivalent to those required in this state at the time such other license was issued by such other state; and,

II. Such other state gives similar recognition and endorsement to nursing home administrator licenses of this state.

151-A:10 Injunction. The board may in accordance with the laws of the state governing injunctions and other process, maintain an action in

the name of the state against any nursing home or against any individual who is in violation of this chapter.

151-A:11 Disciplinary Proceedings.

I. The license and/or registration of any person practicing or offering to practice nursing home administration, or the license of a provisional nursing home administrator, may be revoked or suspended, or such licensee may be reprimanded, censured or otherwise disciplined in accordance with the provisions of this section upon decision and after due hearing in any of the following cases:

(a) Upon proof that such licensee is unfit or incompetent by reason of negligence, habits or other causes;

(b) Upon proof that such licensee has wilfully or repeatedly violated any of the provisions of this chapter or the rules enacted in accordance therewith; or willfully or repeatedly acted in a manner inconsistent with the health and safety of the patients of the home in which he is the administrator;

(c) Upon proof that such licensee is guilty of fraud or deceit in the practice of nursing home administration or in his or her admission to such practice;

(d) Upon proof that such licensee has been convicted in a court of competent jurisdiction, either within or without this state, of a felony, due consideration shall be given to the nature of the offense in determining whether the license shall be revoked or suspended.

II. The members of the board or a hearing committee of three or more members of the board shall have jurisdiction to hear all charges brought under the provisions of this section against persons licensed and registered, as nursing home administrators, or licensed as provisional nursing home administrators and upon such hearings shall determine such charges upon their merits. If the board determines that such person is guilty of the charges, the board may revoke his or her license or registration, suspend him or her from practice, or reprimand, censure or otherwise discipline such licensee.

III. Proceedings under this section shall be begun by filing with the board charges in writing and under oath. Such charges may be preferred by any person, corporation, association or by the board. The chairman of the board may designate three or more members thereof as a hearing committee to hear the charges and to report to the board thereon.

IV. At such hearing the licensee shall have the right to appear either personally or by counsel or both, to produce witnesses and evidence on his own behalf, to cross-examine witnesses and to have subpoenas issued in his behalf by the hearing committee. The hearing committee shall make a written report to the board of the findings and recommendations which shall be considered by the board in arriving at its determination.

V. The board or the hearing committee shall exercise any of the powers set forth in paragraph two of section four of this chapter as may be necessary for the proper conduct of the hearing.

151-A:12 Restoration of Licenses and/or Registrations.

I. The board may, in its discretion, reissue a license and/or registration to any person whose license and/or registration has been revoked.

II. If a person convicted of a felony or crime deemed to be a felony is subsequently pardoned by the governor of the state where such conviction was had or by the president of the United States, or shall receive a certificate of good conduct granted by the board of parole, the board shall, on application of such person and on the submission of evidence satisfactory to the board, restore to such person the nursing home administrator's license and/or registration.

151-A:13 Separability Clause. If any action or provision of this chapter shall be declared unconstitutional or void by any court of competent jurisdiction, or the applicability thereof to any person or circumstances shall be held invalid, the constitutionality and validity of the remainder of the chapter and the applicability thereof to other persons and circumstances shall not be affected thereby, and to this end the sections and provisions of this chapter are declared to be severable.

151-A:14 Authorization. In order to provide necessary funds for training courses for nursing home administrators, the state treasurer is authorized to establish a revolving fund within the division of health, department of health and welfare in sums sufficient to carry out this provision; such funds to be reimbursed in full by federal matching funds and by tuition charges to the nursing home administrators taking such training courses.

459:2 Appropriation. The sum of two thousand dollars, or so much thereof as may be necessary, is hereby appropriated for each year of the biennium, out of any moneys in the state treasury in the general fund not otherwise appropriated, to defray the expenses of the board, including its operation and maintenance in carrying out the provisions of this chapter. Such money shall be payable from the state treasury on the audit and warrant of the comptroller on vouchers certified or approved in the manner prescribed by law.

459:3 Effective Date. This act shall take effect upon enactment unless otherwise specified in the text thereof.

[Approved July 3, 1969.]

[Effective date. This act shall take effect upon enactment unless otherwise specified in the text thereof.]

CHAPTER 460.**AN ACT RELATIVE TO UNEMPLOYMENT COMPENSATION.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

460:1 Definition of Contributions. Amend RSA 282:1-E by striking out said subsection E and inserting in place thereof the following: E. "Con-

tributions" means the money payments due from an employer to the state required by this chapter.

460:2 Employment Exclusion. Amend RSA 282:1-H (4) (d) (supp) as amended by 1967, 400:1, by striking out the period at the end thereof and adding the following: (; notwithstanding the foregoing, this provision shall not apply where (i) a son over the age of twenty-one years is in the employ of his father, or is in the employ of a corporation fifty percent or more of whose stock is owned by his father and none of which is owned by him or his wife, and (ii) a brother is in the employ of his brother, or is in the employ of a corporation fifty percent or more of whose stock is owned by a brother and none of which is owned by him or his wife;) so that said subparagraph (d) as amended shall read as follows: (d) Service performed by an individual in the employ of his son, daughter, brother, sister, father, father-in-law, mother, mother-in-law, spouse, or the spouse of any of them or for a corporation fifty percent of whose stock is held either individually or collectively by himself and/or any of them; notwithstanding the foregoing, this provision shall not apply where (i) a son over the age of twenty-one years is in the employ of his father, or is in the employ of a corporation fifty percent or more of whose stock is owned by his father and none of which is owned by him or his wife, and (ii) a brother is in the employ of his brother, or is in the employ of a corporation fifty percent or more of whose stock is owned by a brother and none of which is owned by him or his wife;

460:3 Wages Affecting Benefits. Amend RSA 282:1-M(3) (supp) as amended by 1947, 59:5; 1955, 141:5; 1961, 88:4; 1963, 194:1; and 1967, 400:2, by striking out said paragraph (3) and inserting in place thereof the following: (3) For the purposes of paragraphs (1) and (2) above: The term "wages" shall include compensation for temporary partial disability under the workmen's compensation law of any state or under a similar law of the United States, payments in lieu of notice, a sickness or separation allowance, payment of accrued leave or sums of whatever type or nature, payments upon discharge from military service from either the state or federal government, or both, and earnings from self-employment. Wages and/or earnings shall be deemed to have been received in such week or weeks in which earned, or, if not clearly identifiable, then for such week or weeks as the commissioner may find such can be reasonably said to apply. An individual's maximum weekly benefit amount shall be reduced by all wages and earnings in excess of twenty percent, rounded to the nearest dollar, of his maximum weekly benefit amount. Wages and/or earnings shall be rounded to the nearest dollar. Benefits shall not be reduced in any part by any sum paid pursuant to an arbitration award, or any similar payment under any state or federal statute, or vacation pay paid subsequent to the vacation period where there was not entitlement to the vacation pay at the time of the employer's plant closing, or any retroactive payment made by reason of the establishment or adjustment of a piece or hourly rate, or pay for a New Hampshire legal holiday or any full day which management, under a contract or otherwise, observes as a so-called holiday with a general closing of its business, provided that the total number of paid legal holidays and paid so-called holidays does not exceed in a calendar year the total number of legal holidays, and with respect to such days as are not

legal holidays section 3-C of this chapter shall not apply, but in any case involving holiday pay where an individual upon adding his earnings for work performed to his holiday pay, unemployment compensation benefits shall be paid only in that amount which would cause the total money for such week not to exceed the average weekly wage for the thirteen weeks immediately preceding the week in question.

460:4 Unemployment Compensation Benefits. Amend RSA 282:2-B (1), (supp) as amended by 1955, 7:1; 1959, 28:1; 1961, 88:7 and 228:1; 1963, 194:3; 1965, 208:1, and 1967, 400:4, by striking out said paragraph (1) and inserting in place thereof the following: (1) The maximum weekly benefit amount and maximum benefits payable to an eligible individual in any benefit year shall be determined by his annual earnings, of which in each of two calendar quarters he must have earned not less than one hundred dollars, as follows:

Annual Earnings of not less than	Maximum Weekly Benefit Amount	Maximum Benefits
\$ 600	\$13	\$ 338
900	16	416
1,200	20	520
1,500	22	572
1,700	25	650
2,000	29	754
2,300	32	832
2,600	35	910
2,800	38	988
3,000	42	1,092
3,200	43	1,118
3,400	45	1,170
3,600	47	1,222
3,900	48	1,248
4,200	49	1,274
4,500	53	1,378
4,800	54	1,404
5,100	56	1,456
5,400	57	1,482
5,700	59	1,534
6,000	60	1,560

460:5 Waiting Period Requirement. Amend RSA 282:3-D as amended by 1955, 7:2; 1955, 141:8; and 1961, 228:2 by striking out said subsection D and inserting in place thereof the following: D. Prior to any week for which he receives benefits he has been unemployed as defined in section 1-M for a waiting period of one week within the same benefit year and fulfilled the other requirements of this section; provided that this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment because of a change in the benefit year, even though a change in the weekly benefit amount and maximum benefits is effected. The period not to exceed one week immediately preceding the benefit year shall be deemed (for the purposes of this subsection) to be within such benefit year as well as within the preceding benefit year, and

no week shall be counted as a waiting period if benefits have been paid with respect thereto.

460:6 Requalifying Requirement. Amend subsection A of RSA 282:4 as amended by 1955, 141:9; 1957, 118:4; 1959, 28:2; 1965, 208:3; 1967, 75:1 and 1967, 400:8 by striking out said subsection and inserting in place thereof the following:

A. Until he has earned in each of three weeks wages in employment as defined in section 1-H, except 1-H (4) (f), (g), (q) and (r) or wages earned in a like manner in another state, equal to his weekly benefit amount computed in accordance with section 1-M (3) subsequent to the date:

(1) He left his work voluntarily without good cause in accordance with rules and regulations of the commissioner. This subsection shall not apply and benefits shall be paid without regard thereto where an unemployed individual, not under a disqualification, accepts employment which would not have been deemed suitable work under subsection M of this section and terminates such employment within a period of not more than four (4) consecutive weeks of employment with or without good cause;

(a) In the case of a woman who is disqualified under paragraph (1) above for leaving her work due to pregnancy, the three-week work-and-earning requirement in the first paragraph of this subsection shall be one week.

(2) He was discharged for misconduct connected with his work, if so found by the commissioner.

460:7 Relief from Labor Dispute - Work Stoppage Disqualification. Amend RSA 282:4-F (supp) as amended by 1955, 141:9, by striking out the period at the end of paragraph (4) and inserting a semi-colon in place thereof, and inserting after paragraph (4) the following new paragraph (5): (5) He has, since becoming unemployed for the reasons set forth in the first paragraph of this subsection, worked in five or more consecutive weeks in employment for an employer, earning in each week an amount at least equal to his maximum benefit rate plus twenty percent thereof, and then becomes unemployed from said employer due to a lack of work.

460:8 Request for Employer Information. Amend RSA 282:5-B(3) as amended by 1955, 141:10; and 1957, 118:6, by striking out said paragraph (3) and inserting in place thereof the following: (3) In finding the facts material to a claim, the certifying officer shall in every case where the reason for an individual's leaving employment may be material, send to the employing unit or employer for whom the claimant last performed services a request for information, such request to be in accordance with the regulations of the commissioner. When the information is not returned by such employing unit or employer as required by the regulations of the commissioner, the certifying officer shall proceed on the facts available to him and any benefits payable pursuant to such determination shall be charged to the account of the chargeable employer if he fails or refuses to return proper, factual information and even though the claimant is, by reason of some later decision, held not to be entitled to such benefits.

460:9 Appeal Tribunals. Amend RSA 282:5-C(1) as amended by 1961, 88:12, by striking out said paragraph (1) and inserting in place thereof the following: (1) Composition and Jurisdiction. Appeal from a certifying officer's determination and a decision made pursuant to section 14-D shall be to an impartial tribunal appointed by the commissioner. Each such tribunal shall be known as an appeal tribunal, and shall consist of three members, one of whom shall be a representative of employees, one of whom shall be a representative of employers and the other shall be an employee of the department of employment security and shall serve as chairman, or shall consist of only the chairman. No person shall participate as a member of an appeal tribunal in any case in which he is an interested party or is the employee of an interested party. The chairman shall not be disqualified in appeals concerning individuals claiming benefits by reason of state or federal employment.

460:10 Appeal to Court. Amend RSA 282:5-G(5) as amended by 1955, 141:11, by striking out said paragraph (5) and inserting in place thereof the following: (5) Appeal to court from a decision of the appeal tribunal involving a matter under section 14-D, shall be only in the manner provided in section 5-G(4) of this chapter.

460:11 Minimum Experience Requirement. Amend RSA 282:6-D(3) (a) as amended by 1955, 7:3 and 1955, 141:13, by striking out said subparagraph (a) and inserting in place thereof the following: (a) No employer shall be entitled to a rate of less than 2.7 per centum unless and until as of January 1 of the year wherein the rate becomes applicable there had been three consecutive calendar years throughout which the separate account of the employer was chargeable with benefits, except for such uniform rate reductions occasioned by fund balances as are provided in subsection D of section 6;

460:12 Annual Pay Roll Required. Amend RSA 282:6-D(3) (c) as amended by 1955, 7:3 and 1955, 141:13, by striking out said subparagraph (c) and inserting in place thereof the following: (c) It is further provided that no rate of less than 2.7 per centum shall be allowed in any case unless such employer had an annual pay roll for the calendar year immediately preceding the computation date, except for such uniform rate reductions occasioned by fund balances as are provided in subsection D of section 6.

460:13 Merit Rating. Amend RSA 282:6-D(4) as amended by 1955, 7:3 and 1955, 141:13; and 1965, 208:8, by striking out said paragraph (4) and inserting in place thereof the following: (4) (a) There shall be added in any calendar quarter to every employer's contribution rate .15 per centum whenever the unemployment compensation fund fails to equal or exceed twenty-six million dollars throughout fifty days of the next preceding calendar quarter.

(b) There shall be added in any calendar quarter to every employer's contribution rate .3 per centum whenever the unemployment compensation fund fails to equal or exceed twenty-two million dollars but is greater than twenty million dollars throughout fifty days of the next preceding calendar quarter.

(c) There shall be subtracted in any calendar quarter from every employer's contribution rate .3 per centum whenever the unemployment compensation fund equals or exceeds twenty-nine million dollars within the next preceding calendar quarter.

(d) There shall be subtracted in any calendar quarter from every employer's contribution rate .5 per centum whenever the unemployment compensation fund equals or exceeds thirty-one million dollars within the next preceding calendar quarter.

(e) There shall be subtracted in any calendar quarter from every employer's contribution rate .7 per centum whenever the unemployment compensation fund equals or exceeds forty-five million dollars within the next preceding calendar quarter.

(f) Notwithstanding subparagraphs (a) through (e) above, no employer shall be entitled to a contribution rate of less than .15 per centum.

(g) Whenever the unemployment compensation fund throughout the next preceding calendar quarter equals or exceeds fifty million dollars, the minimum contribution rate shall be not less than .075 per centum.

(h) There shall be subtracted in any calendar quarter from every employer's contribution rate .775 per centum whenever the unemployment compensation fund equals or exceeds fifty million dollars within the next preceding calendar quarter.

(i) The increases and decreases in contribution rates provided in subparagraphs (a) through (h) shall be individual and not cumulative.

460:14 Merit Rating. Amend RSA 282:6-D(8) as amended by 1955, 7:3 and 1955, 141:13; 1961, 88:21; and 1963, 194:6, by striking out said paragraph (8) and inserting in place thereof the following: (8) The computation date will be January 1 (to include contributions on that year's and prior years' employment paid through the succeeding January 31). The total for all past years of all benefits charged as of the computation date against an employer's separate account shall be subtracted from the total of all contributions paid on an employer's own behalf and credited as of the computation date to his separate account for all past years. If benefits so charged exceed contributions so credited, the excess shall be computed as a per centum of the employer's average annual pay roll which per centum shall determine his contribution rate, subject to the provisions and conditions of this section otherwise provided excepting paragraphs (4) and (7) above, as set forth in paragraph (10). If contributions so credited exceed benefits so charged, the excess shall be computed as a per centum of the employer's average annual pay roll which per centum shall determine his contribution rate, subject to the provisions and conditions of this section otherwise provided, in the following per centum, whenever the unemployment compensation fund throughout the next preceding calendar quarter exceeded twenty million dollars:

Schedule I.

Per Centum of Average Annual Pay Roll Equals or Exceeds	Contribution Rate
8%	2.5%
9%	2.3%

10%	2.0%
11%	1.8%
12%	1.5%
14%	1.2%
15%	1.0%

460:15 Merit Rating. Amend RSA 282:6-D(9) as amended by 1955, 7:3 and 1955, 141:13; 1961, 88:22; and 1963, 194:7, by striking out said paragraph (9) and inserting in place thereof the following: (9) It is further provided that, whenever the unemployment compensation fund throughout the next preceding calendar quarter exceeded twenty-five million dollars, said employer's contribution rate shall, after computation is made in the manner described in the next preceding paragraph, and subject to the provisions and conditions of this section otherwise provided, be in the following per centum:

Schedule II.

Per Centum of Average Annual Pay Roll Equals or Exceeds	Contribution Rate
3%	2.6%
4%	2.5%
5%	2.4%
6%	2.2%
7%	2.0%
8%	1.8%
9%	1.6%
10%	1.1%
11%	.8%
12%	.7%
13%	.6%
14%	.5%
15%	.4%
17%	.3%
20%	.2%

460:16 Merit Rating. Amend RSA 282:6-D(10) as amended by 1955, 7:3 and 1955, 141:13; 1961, 88:23; and 1963, 194:8, by striking out said paragraph (10) and inserting in place thereof the following: (10)

Per Centum of Average Annual Pay Roll Equals or Exceeds	Contribution Rate
1%	2.9%
3%	3.1%
7%	3.5%
10%	3.6%
11%	3.8%
15%	3.9%
20%	4.0%

460:17 Experience Election. Amend RSA 6-D (11) as inserted by 1965, 208:9 by striking out said paragraph (11) and inserting in place thereof the following: (11) Notwithstanding any other provision of this chapter, an employer whose contribution rate is determined to be 3.5 per centum

or more may, on or before a computation date, elect to have his contribution rate thereafter computed on each computation date solely on the then most recent five calendar years' experience. Such election by an employer shall be irrevocable. Provided, that in the event of such election, no rate shall be assigned lower than 2.7 per centum at any time thereafter, except for such uniform rate reductions occasioned by fund balances as are provided in subsection D of this section.

460:18 Removal from Records of Amounts Due. Amend RSA 282:9-T (supp) as amended by 1961, 88:35, by striking out said subsection T and inserting in place thereof the following: T. REMOVAL FROM RECORDS OF AMOUNTS DUE. Upon a written determination by the commissioner of the department of employment security with the approval of the attorney general that the best interests of the state would be served by taking no further action to collect any sum or sums due under the provisions of this chapter, the same may be removed, by said commissioner, from the books and records of the department.

460:19 Custody of Department of Employment Security Headquarters. Amend RSA 282:9 by inserting after subsection U the following new subsection V: V. CUSTODY OF DEPARTMENT OF EMPLOYMENT SECURITY HEADQUARTERS. All buildings and land connected therewith which are used by the department of employment security for its administrative office functions shall be in the custody of the commissioner of said department and he shall be responsible for the care, maintenance, alterations and repair connected therewith to the extent of such federal monies as are granted to said department for the specific purpose, or, in his sole judgment, from the fund provided at section 10-C of this chapter.

460:20 Contingent Fund. Amend RSA 282:10-C (supp) as amended by 1955, 141:16; 1961, 88:36; 1963, 194:10 and 1967, 400:11, by striking out said subsection C and inserting in place thereof the following: C. Contingent Fund. There is hereby created in the state treasury a special fund to be known as the contingent fund. All interest, fines, late-filing fees and penalties collected under the provisions of this chapter, after the effective date of this subsection, shall be paid into this fund. The monies in this fund may, solely as determined by the commissioner, be used for the following purposes: (1) as a revolving fund to cover expenditures (necessary and proper under the law) for which federal funds have been duly requested but not yet received, subject to the charging of such expenditures against such funds if and when received, (2) for an annual audit by a private firm of certified public accountants, such firm to be designated by the state comptroller with approval of the governor and council, of the various funds provided for under this chapter and the employers' separate accounts maintained pursuant thereto, (3) for rents, equipment, supplies, motor vehicles and their maintenance, fees, costs of administration as specifically provided in this chapter, salaries, per diem and expense payments and training and education, whether institutional, departmental or conference-type, of assistant claim representatives, appeal tribunal and advisory council members and full and part-time department employees and its officers, including attendance at and hosting conferences and meetings sponsored or participated in by the bureau of employment security

of the United States department of labor and also the Interstate Conference of Employment Security Agencies. The monies in this fund may be used for any other purpose which upon request of the commissioner is found by the governor and council to be in furtherance of the administration of this chapter. Monies, as determined by the commissioner, in this fund shall not be expended or available for expenditure in any manner which would permit their substitution for (or a corresponding reduction in) federal funds which would, in the absence of said monies, be available to finance expenditures for the administration of this chapter. This fund shall be used by the commissioner for the payment of costs of administration which are found not to have been properly and validly chargeable against federal grants (or other funds) received for or in the unemployment compensation and employment service administration fund on or after the effective date of this subsection. The monies in this fund are hereby specifically made available to replace, within a reasonable time, any monies received by this state pursuant to section 302 of the federal social security act, as amended, which, because of any action or contingency, have been lost or expended for purposes other than, or in amounts in excess of, those necessary for the proper administration of this chapter. The monies in this fund shall be continuously available to the commissioner for expenditure in accordance with the provisions of this subsection and shall not lapse at any time or be transferred to any other fund except as herein provided. In the event that a refund of interest, a fine, a late-filing fee or a penalty is found necessary, and such interest, fine, late-filing fee or penalty has been deposited in the contingent fund, such refund shall be made from the contingent fund. This fund shall be administered and disbursed in the same manner and under the same conditions as other special funds of the state treasury.

460:21 Time Period for Commencing Suits. Amend RSA 282:12-D by striking out said subsection D and inserting in place thereof the following: D. Time Limitation. No action may be maintained under this chapter unless commenced within six years of the time the cause arose or two years after the department is put on notice that the cause exists, whichever is later.

460:22 Maximum Entitlement. For the purpose of determining maximum entitlement under section 4 of this act, benefits paid to an individual with respect to weeks commencing with the week ending April 5, 1969 through the week ending October 4, 1969 shall be deemed to have been paid at the rates as provided in said section 4.

460:23 Effective Date. Section 4 of this act shall take effect October 5, 1969. Sections 14, 15 and 16 of this act shall take effect January 1, 1970. All other sections shall take effect July 1, 1969.

[Approved July 3, 1969.]

[Effective date. Section 4 shall take effect October 5, 1969. Sections 14, 15 and 16 shall take effect January 1, 1970. All other sections shall take effect July 1, 1969.]

CHAPTER 461.

AN ACT RELATIVE TO REAL ESTATE BROKERS AND SALESMEN.

Be it Enacted by the Senate and House of Representatives in General Court convened:

461:1 Commission. Amend RSA 331-A:1-a (supp) as inserted by 1967, 329:1 by striking out said section and inserting in place thereof the following: **331-A:1-a Commission, Appointments, Terms, Compensation.** The New Hampshire Real Estate Commission, hereinafter called the commission, is hereby created, whose duty it shall be to administer the provisions of this chapter. The commission shall consist of five members who shall be appointed and may be for cause removed by the governor, with the advice and consent of the council. Each member of the commission shall serve for a term of five years and until his successor is duly appointed, provided that the first appointments shall be for one, two, three, four and five years. Any vacancy shall be filled by appointment for the unexpired term. The commission shall select one from its number to be chairman. Each member of the commission shall serve without compensation, but shall be paid the expenses necessarily incurred by him in the discharge of his official duties. Henceforth, whenever the statutes refer to the New Hampshire Real Estate Board, it shall mean the commission established herein.

461:2 Definition. Amend RSA 331-A:1 (e) (supp) as inserted by 1967, 329:2 by striking out said paragraph and inserting in place thereof the following: (e) The term "commission" shall mean the New Hampshire Real Estate Commission.

461:3 Qualifications. Amend RSA 331-A:1-b (supp) as inserted by 1967, 329:1 by striking out in line one the words "director of the board" and inserting in place thereof the following (member of the commission) so that said section as amended shall read as follows: **331-A:1-b Qualifications.** Each member of the commission shall be a citizen of the United States and a resident of this state for at least six years prior to his appointment. Only two of such appointees shall be real estate brokers whose vocation shall have been that of a real estate broker.

461:4 Powers and Duties. Amend RSA 331-A:1-c (supp) as inserted by 1967, 329:1 by striking out said section and inserting in place thereof the following: **331-A:1-c Powers and Duties.** The commission shall have the power to adopt and amend all rules of procedure not inconsistent with the constitution or laws of this state, which reasonably may be necessary for the proper performance of its duties and the regulation of the proceedings before it. The commission shall have the power to adopt and amend rules and regulations governing the conduct of licensed brokers and salesmen which reasonably may be necessary in the public interest and which are not inconsistent with the constitution or laws of this state. The commission shall adopt and have an official seal. It shall further have the power and authority to create the position of, and appoint an executive director, with a salary established under RSA 94:1 to assist the commission in administering the provisions of this chapter. The commission shall make an annual report to the governor and to the presiding officer of each house

of the general court on or before the first day of September in each year, including therein an account of its actions, receipts and expenses derived under the provisions hereof, the practical effects of the application of this chapter, and any recommendation for legislation which the commission deems advisable.

461:5 Application for Licenses. Amend RSA 331-A:4 as amended by 1959, 222:1 and 1961, 213:1 by striking out said section and inserting in place thereof the following: **331-A:4 Applications for Licenses.** Applications for licenses as broker or salesman shall be made to the commission, on forms prescribed by it, stating the age, sex, domicile, and place of business of an individual applicant, the principal place of business of a partnership applicant, and the state of incorporation and principal place of business of a corporate applicant; and shall be accompanied by affidavits of three residents of the state, owners of real estate in the state, stating that the applicant or its members and officers is or are persons of good repute, trustworthy, and entitled to public confidence. A firm, partnership, or corporation shall designate in its application the individual or individuals who are to serve as brokers under regulation. Upon completion of the application, and the payment of the required fee, the commission shall issue the appropriate license. A salesman may be licensed, as such, for only a single broker at any one time, and his license shall so indicate. In transacting business as a real estate salesman, no salesman shall be employed by, or accept compensation from, any person other than the broker under whom he is licensed. No firm, partnership, or corporation shall be granted or allowed to hold a broker's license unless every member or officer thereof who actively participates in its business of real-estate brokerage holds a license either as a broker or salesman hereunder, and no fee for the broker's license of such organization shall be assessed in addition to the license fees paid by such individual members or officers. No license shall be issued to an unincorporated person, firm, or partnership doing business under a trade name unless and until such trade name shall have been lawfully registered as provided in RSA 349. No license shall be issued to an individual broker or salesman unless he shall have attained the age of twenty-one.

461:6 Examinations. Amend RSA 331-A:4-a (supp) as inserted by 1963, 269:2 and amended by 1967, 329:3 by striking out said section and inserting in place thereof the following new section: **331-A:4-a Examination.** The commission shall not issue an original salesman's or broker's license to any resident applicant therefor unless and until such applicant shall have satisfactorily passed a reasonable written examination as to his qualifications to act as such broker or salesman. The examination shall be in such form as may be prescribed by the commission and shall be administered by the commission which shall cause the examination to be given to resident applicants at least four times annually. The commission is authorized to publish and distribute printed material indicating the scope of the examination and suggested sources of study. A similar examination shall be required of nonresidents unless they have qualified in the state of their residence by passing such an examination. A fee of fifteen dollars shall be paid for each examination. The commission is authorized to expend from its receipts for examination fees the sum of five dollars per

applicant taking the examination for the purpose of engaging a qualified testing service to be selected by the commission to prepare, structure, administer and conduct the examination under the direction of the commission. The commission shall notify each applicant who takes said examination the results thereof within thirty days of the examination.

461:7 Rules. Amend RSA 331-A:4-b as inserted by 1963, 269:2 by striking out in line one the words "commissioner of insurance" and inserting in place thereof the word (commission) and by striking out in line four the words "commissioner" and inserting in place thereof the word (commission) so that said section as amended shall read as follows: **331-A:4-b Rules.** The commission is authorized to make and issue reasonable rules and regulations governing such examinations and the eligibility of persons who have failed, to be re-examined. The commission is further authorized, in prescribing the form of the application for license required by section 4, to require the applicant to set forth thereon such additional information as to his background and trustworthiness as is reasonably required to fairly inform any person requested to sign the affidavit on his application as a character reference, and to require the application to be fully filled out by the applicant before the character affidavits are signed. No person who is related by blood or marriage to an applicant may serve as a character reference on his application under section 4, and this restriction shall appear on the application form.

461:8 Qualifications. Amend 331-A:4-c as inserted by 1965, 319:2 by striking out said section and inserting in place thereof the following: **331-A:4-c Qualifications.** The commission shall require all applicants for licensing as a real estate salesman or real estate broker to have and possess the following minimum standards to qualify for licensing:

I. All applicants must be citizens of the United States prior to submitting an application for licensing.

II. All applicants must submit proof as may be required by the commission of the applicant's honesty, truthfulness, and good reputation, which proof shall be in such form as may be deemed advisable by the commission.

III. The commission shall require all applicants for brokers or salesmen's license to pass a written examination to be taken before the commission wherein the applicant shall demonstrate satisfactory knowledge and understanding of the principles of real estate practice.

IV. No broker's license shall be issued to any resident applicant unless he shall have served at least one year as a licensed salesman in this state or another state, or shall have furnished to the commission proof of experience equivalent thereto.

V. The form and style of the examinations, as well as the preparation, grading, and administration thereof, shall be the responsibility of the commission, or its duly appointed employees or agents.

VI. The commission shall require any individual or corporation seeking accreditation to give a real estate course to submit documents, statements and forms prior to approval. Said documents, statements and forms shall be the basis for the commission's judgment whether approval

or denial of the request would be in the best interest of the general public. The commission may adopt rules and regulations governing the conduct of accredited courses which may reasonably be necessary to its granting and continuing accreditation of said courses.

461:9 Directory. Amend RSA 331-A:4-d as inserted by 1965, 319:2 by striking out in line one the words "commissioner of insurance" and inserting in place thereof the word (commission) and by striking out in line five the word "commissioner" and inserting in place thereof the word (commission) so that said section as amended shall read as follows: **331-A:4-d Directory and Certificates.** The commission shall publish annually a directory of licensed brokers and salesmen, showing the name and address of each licensee, including trade names, with nonresidents listed in a separate category. The form of license issued to licensees shall be prescribed by the commission and shall include a license certificate for wall display at place of business as well as a license card to be carried on the person. Each licensed broker shall display his license certificate in a prominent place at his place of business, and shall also there display the certificates of all licensed salesmen employed by him.

461:10 License Amendments. Amend RSA 331-A:4-e as inserted by 1965, 319:2 by striking out in lines three, twelve and thirteen the words "commissioner of insurance" and inserting in place thereof the word (commission) and by striking out in line eight the word "division" and inserting in place thereof the word (commission) so that said section as amended shall read as follows: **331-A:4-e License Amendments.** Whenever a licensed salesman changes his employment from one licensed broker to another, he shall promptly notify the commission thereof and shall return his license for appropriate amendment, together with a statement from the new employing broker that such salesman has entered his employ. Salesmen's licenses shall be mailed to the employing broker. Upon termination of the salesman's employment with such broker, the broker shall notify the New Hampshire real estate commission of such termination. The license of an unemployed salesman shall lapse unless he shall obtain employment by a broker within a period of six months after he becomes unemployed. A real estate broker who proposes to use a registered trade name in connection with his business as broker shall advise the commission of that fact and his license shall be issued in that trade name. If already licensed, he shall return his license for appropriate amendment with notice of his intention to use a registered trade name.

461:11 Fees. Amend RSA 331-A:5 as amended by 1959, 222:1 and 1965, 319:3 by striking out said section and inserting in place thereof the following: **331-A:5 Fees.** The following fees shall be charged and collected by the commission and shall be paid into the general fund of the state treasury:

- I. For each original broker's license a fee of fifteen dollars, and for each annual renewal thereof, a fee of ten dollars;
- II. For each original salesman's license a fee of ten dollars, and for each annual renewal thereof, a fee of five dollars;
- III. For each license amendment a fee of three dollars, and for each

certificate showing whether a person has been licensed as a broker or salesman a fee of one dollar;

IV. For each check returned for insufficient funds or any other reason a service charge of three dollars.

461:12 Lapse. Amend RSA 331-A:5-a as inserted by 1963, 269:1 by inserting in line six after the word "license" the words (provided, however, that the commission may renew any license after it has lapsed for good cause shown) and by striking out in line seven the words "commissioner of insurance" and inserting in place thereof the word (commission) so that said section as amended shall read as follows: 331-A:5-a Lapse of License. If any licensee under this chapter shall permit his annual license to lapse for a period of thirty days after its expiration by failure to renew his annual license during such period, his license shall be deemed to have lapsed; and such person thereafter may obtain a license only by qualifying anew as an original licensee must do and paying the required fee for an original license; provided, however, that the commission may renew any license after it has lapsed for good cause shown. Approximately thirty days before the expiration of each license the commission shall notify each licensee of this fact by mail, enclosing also a renewal blank.

461:13 Temporary License. Amend RSA 331-A:5-b (supp) as inserted by 1967, 329:4 by striking out in lines three and five the word "board" and inserting in place thereof the word (commission) so that said section as amended shall read as follows: 331-A:5-b Temporary Licenses. In the event of the death of a licensed real estate broker who is the sole proprietor of a real estate business, the commission may, upon application by his legal representative, issue without examination a temporary license to such legal representative or to an individual designated by him and approved by the commission and by the payment of the prescribed fee, which shall authorize such temporary licensee to continue to transact said real estate business for a period not to exceed one year from the date of death.

461:14 Nonresidents. Amend RSA 331-A:6 as amended by 1959, 222:1 by striking out in line ten the words "the commissioner of insurance or his deputy" and inserting in place thereof the following (a member of the commission or its executive director) so that said section as amended shall read as follows: 331-A:6 Nonresidents. Nonresidents of this state may be licensed as brokers or salesmen in this state, provided that the state of their residence offers the same privileges to the licensed brokers and salesmen of this state. On making application such nonresidents may substitute for the required affidavits, proof that they are licensed brokers or salesmen in another state, and shall file an irrevocable consent and power providing that legal actions may be commenced against him in the proper court of any county of this state in which a cause of action may arise or in which the plaintiff may reside, by service of process or pleading authorized by the laws of this state, on a member of the commission or its executive director, the consent or power stipulating that such service of process or pleading shall be taken in all courts to be valid and binding as if personal service had been made upon the nonresident in this state.

461:15 Prohibited Conduct. Amend RSA 331-A:6-b, II as inserted by 1963, 269:3 by striking out in line six the word "commissioner" and

inserting in place thereof the word (commission) so that said paragraph as amended shall read as follows: II. No licensee shall commingle the funds entrusted to him as agent or in escrow by the buyer or seller of real estate, with his own funds. Violation of the provisions of this paragraph may be ground for revocation or suspension of his license, according to the nature of the offense, in accordance with the procedures prescribed in section 7. Upon complaint the commission is authorized to examine the books and records of any licensee for the purpose of investigating any violations of this statute.

461:16 Refusal of License. Amend RSA 331-A:6-b as inserted by 1963, 269:3 and amended by 1965, 319:4 by inserting after paragraph IV the following new paragraph:

V. The commission shall have the power to refuse a license for cause; or to suspend or revoke a license, in accordance with the prescribed procedure in section 7, where the license has been obtained by false representation or where the licensee or applicant in performing or attempting to perform any of the acts mentioned herein is found guilty of:

(a) Offering, promising, allowing, giving or paying directly or indirectly any part or share of his commission or compensation arising or accruing from any real estate transaction to any person who is not a licensed broker or salesman and who is not exempted from holding a license as broker or salesman under this chapter, in consideration of services performed or to be performed by such unlicensed person, provided, however, a licensed broker may share his commission with a nonresident broker who is unlicensed in this state, provided such nonresident broker is doing business regularly and legally within his own state;

(b) Knowingly making, issuing, delivering or receiving contracts concerning the same parcel of real estate, one of which states the true and actual purchase price and one of which states a purchase price which is not the true and actual purchase price.

(c) Acting in a dual capacity of broker and undisclosed principal in any transaction;

(d) Failing to account or remit any monies or documents coming into his possession belonging to others, after reasonable notice;

(e) Accepting, giving or charging any undisclosed commission, rebate or direct profit on expenditures made for a principal;

(f) Pursuing a continued course of misleading or untruthful advertising;

(g) Violating any reasonable rule or regulation promulgated by the commission in the interest of the public and in conformance with the provisions of this chapter.

461:17 Suspension or Revocation. Amend RSA 331-A:7 as amended by 1959, 222:1 and 1961, 213:2 by striking out said section and inserting in place thereof the following: **331-A:7 Suspension or Revocation of License.** Full power to revoke or suspend licenses granted under the provisions of this chapter shall be vested in the commission subject to the provisions of review by the superior court upon seasonable appeal as set forth in this

provision. The commission may, upon complaint or upon its own motion, after reasonable notice of the charges in writing and a hearing thereon, revoke the license of any broker or salesman, or suspend such license for such period as may be just, upon finding that such licensee has been guilty of any unlawful, dishonest, deceitful or fraudulent conduct in connection with his business as such broker or salesman. The commission shall give the licensee at least fourteen days' written notice, prior to the date of hearing, of the charges to be heard by it, and shall afford such licensee an opportunity to be heard in person or by counsel in reference thereto. The hearings on such charges shall be at such time and place as the commission shall prescribe. The commission shall have the power to subpoena and bring before it any person or any relevant records or documents in this state or to take testimony by deposition, in the same manner as is prescribed by law in judicial proceedings. Said commission shall keep a complete stenographic record of its proceedings in such cases. For this purpose the commission is authorized to employ a temporary reporter and fix his compensation, and the governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated. Sheriffs and witnesses shall receive the same fees for the service of process and attendance before the commission as are paid sheriffs and witnesses in matters pending before the superior court. The determinations of the commission shall be in writing and officially signed by the chairman, or acting chairman. The original of such determinations, when so signed, shall be filed in the office of the commission and copies thereof shall be mailed to the broker or salesman, addressed to his place of business, and to the complainant, if any, within two days after filing thereof. The action of the commission in revoking or suspending a license shall be subject to appeal to the superior court at the instance of the licensee, within thirty days after the filing of the commission's decision. An appeal shall suspend the commission's decision. The appeal shall be tried in the superior court de novo without jury. The superior court may affirm, reverse, or modify the commission's decision, as justice may require.

461:18 Adjustment. Amend RSA 331-A:7-a as inserted by 1961, 213:2 by striking out in line three the words "commissioner of insurance" and inserting in place thereof the word (commission) so that said section as amended shall read as follows: **331-A:7-a Adjustment by Conciliation.** Upon receipt of a written complaint concerning the conduct of any licensee in connection with his business as such broker or salesman, the commission may meet with complainant and the licensee and attempt to reconcile the differences between the parties.

461:19 Prosecution. Amend RSA 331-A:8-a as inserted by 1965, 319:5 by striking out in line one the word "commissioner" and inserting in place thereof the word (commission) and by striking out in line two the word "he" and inserting in place thereof the word (it) so that said section as amended shall read as follows: **331-A:8-a Prosecution.** Whenever the commission is of the opinion that anyone is violating the provisions of the preceding section it shall forthwith lay such facts before the attorney general, who shall prosecute all such violations if there are sufficient grounds and occasion therefor.

461:20 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 462.

AN ACT PERMITTING MINORS OVER SIXTEEN YEARS OF AGE TO HANDLE BEVERAGES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

462:1 Beverages. Amend RSA 175:8 (supp) as amended by 1959, 224:1 and 1969, 284:1 by striking out said section and inserting in place thereof the following: **175:8 Employment of Minors.** No licensee or permittee hereunder shall employ any minor, with or without compensation, to serve or otherwise handle liquor or beverage, except that a person eighteen years of age or older may be employed to serve liquor or beverage in the dining room of a hotel licensed under the provisions of RSA 178:3 or a restaurant licensed under the provisions of RSA 178:3-a as an incident to his or her primary employment of serving food to patrons; and, provided further, that an adult person approved by the commission shall be in attendance in said dining room or restaurant during the time of such employment. Provided, however, that the holder of an off-sale permit may employ minors of not less than sixteen years of age when beverage is sold in the original container and delivered in the place of business of the seller, or at the vehicle of the buyer parked on or adjacent to the premises of the seller, and provided further that an adult person shall be in attendance during the time of such employment.

462:2 Effective Date. This act shall take effect upon its passage.

[Approved July 3, 1969.]

[Effective date July 3, 1969.]

CHAPTER 463.

AN ACT DEFINING A TRANSPORTER AND A UTILITY DEALER
AND PROVIDING SPECIAL LICENSE PLATES FOR A UTILITY DEALER.

Be it Enacted by the Senate and House of Representatives in General Court convened:

463:1 Definition. Amend RSA 259:1, as amended by 1957, 283:1; 1959, 207:1; 1963, 273:1; 1965, 274:1; and 1967, 341:1 and 2 and 415:3 by inserting after paragraph XXXII the following new paragraphs:

XXXII-a. "Transporter", any person principally engaged in moving for hire any motor vehicles, trailers or mobile homes owned by another person; also, any person engaged in the business of buying promissory notes secured by mortgages or conditional sales contracts who, in the regu-

lar course of such business, has occasion to repossess any motor vehicle, travel or camp trailer or mobile home, or any person engaged in the business of leasing motor vehicles, semi-trailers or tractors.

XXXII-b "Utility dealer", any person engaged exclusively in the manufacture, purchase or sale at wholesale or retail of new or used mobile homes and or travel or camp trailers, semi-trailers, tractors, farm equipment, construction equipment.

463:2 Additional Sets of Plates. Amend RSA 260:77 as inserted by 1957, 316:1 and amended by 1963, 250:2 by striking out said section and inserting in place thereof the following: **260:77 Fee.** The fee for transporter registration shall be thirty-five dollars annually and all such registrations shall expire at midnight on March thirty-first of each year. The holder of a transporter registration may obtain additional sets of number plates at twenty dollars per set at the discretion of the director.

463:3 Temporary Plate Privileges Withdrawn. Amend RSA 260:78 as inserted by 1957, 316:1 and amended by 1963, 250:3 by striking out section and inserting in place thereof the following: **260:78 Plates.** At the time of issuing a certificate to such transporter, the director shall furnish him with number plates of such material and design as the director may prescribe.

463:4 Use of Transporter's Registration. Amend RSA 260:79 as inserted by 1957, 316:1 and amended by 1963, 250:4 by striking out said section and inserting in place thereof the following: **260:79 Use of Motor Vehicles, Trailers, Semi-Trailers and Tractors.** A transporter's registration may be used to transport and deliver a mobile home or travel or camp trailer, semi-trailer, tractor or motor vehicle when owned by another person. When said transporter's registration is displayed on such vehicles they shall be considered properly registered under the provisions of this chapter in the name of the transporter holding such registration.

463:5 Utility Dealer Registration. Amend RSA 260 by inserting after section 82 as inserted by 1957, 316:1 the following new subdivision:

Utility Dealer Registration

260:83 Application. A utility dealer may make application to the director, upon blanks prescribed and furnished by him for that purpose, for a general distinguishing number for utility dealer registration. The application shall contain, in addition to such other particulars as may be required by the director, a statement of the name, residence and street address of the applicant with a brief description of his place of business. Such application shall contain the words, "this application is signed under the penalty of perjury". The proper fee shall be deposited before the application is granted.

260:84 Registration. If the director approves the application, he shall issue to the applicant a certificate of registration in such form as he may prescribe.

260:85 Fee. The fee for utility dealer registration shall be thirty-five dollars annually and all such registrations shall expire at midnight on March thirty-first of each year. The holder of a utility dealer registration

may obtain additional plates at ten dollars per plate at the discretion of the director.

260:86 Plates. The director shall at the time of issuing a certificate to such utility dealer, furnish him with number plates of such material and design as the director may prescribe.

260:87 Use of Utility Dealer Plates. A utility dealer's registration may be used for the purpose of delivery, demonstration, sale or repair in connection with the business of the utility dealer. Such registration may be used on motor vehicles or motorcycles for demonstration purposes only. A utility dealer may not rent or use a vehicle registered under utility dealer's registration for the transportation of freight or merchandise for any other person.

260:88 Temporary Plates. The director shall make available to utility dealers temporary plates of such color and material as he may determine for a fee of fifty cents for each set. Upon the sale of a vehicle, the dealer shall attach to such vehicle a temporary plate. Report of each sale must be made immediately to the director. A vehicle so registered may be operated for a period of ten consecutive days without payment of a registration fee.

260:89 Limitation. A utility dealer shall not loan number plates which have been assigned to him under these provisions to any other "person" as defined in RSA 259:1 nor shall he move his place of business until he has notified the director in writing of his intention to do so. Any utility dealer having more than one place of business shall secure a separate certificate of registration for each place of business.

260:90 Suspension or Revocation. The director may suspend or revoke the utility dealer's registration upon any evidence of misuse.

463:6 Effective Date. This act shall take effect April 1, 1970.

[Approved July 3, 1969.]

[Effective date April 1, 1970.]

CHAPTER 464.

AN ACT APPROPRIATING FUNDS FOR THE STATE NURSING SCHOLARSHIP PROGRAM.

Be it Enacted by the Senate and House of Representatives in General Court convened:

464:1 Appropriation. The sum of one hundred two thousand dollars is hereby appropriated for the biennium ending June 30, 1971, for the purpose of providing funds to carry out the provisions of RSA 326:30, 31 and 32. The sum hereby appropriated shall be available as of July 1, 1969, and the governor is authorized to draw his warrant for the said sum out of any money in the treasury not otherwise appropriated. To provide for the cost of administering the total program, a sum shall be deducted from the total amount appropriated for the state nursing scholarship program, this sum not to exceed one thousand dollars for each year. Said sums to be expended

by the state board of nursing education and nursing registration to defray the expense of administration of the program for state aid for nursing education.

464:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 465.

AN ACT INCREASING THE APPROPRIATION FOR TOWN ROAD AID.

Be it Enacted by the Senate and House of Representatives in General Court convened:

465:1 Apportionment A. Amend RSA 241:2 (a) (supp) as amended by 1957, 273:3; 1965, 261:1 and 1967, 280:1 by striking out in line two the words "one million four hundred thousand dollars" and inserting in place thereof the following (one million six hundred thousand dollars) so that said subparagraph as amended shall read as follows: (a) APPORTIONMENT A. The commissioner shall apportion, on the basis of a sum of not less than one million six hundred thousand dollars, to each city, town and unincorporated place, an amount based on the proportion which the mileage of the regularly maintained Class IV and Class V highways in that city, town or unincorporated place as of January 1 of the previous year, bears to the total mileage of the regularly maintained Class IV and Class V highways in the state as of that date. Any city or town issuing bonds or long term notes to accelerate the improvement of its Class IV and Class V highways may apply any part of the funds herein apportioned, for a period not to exceed five years or with the approval of the commissioner for a period not to exceed ten years, to aid in the retirement of such bonds or notes.

465:2 Towns Entitled to Aid. Amend RSA 241:1 by striking out in line four the words "or betterments" and inserting in line four after the word "reconstruction" the following (resurfacing or betterments, and bridge inspection) so that said section as amended shall read as follows: **241:1 Towns Entitled to Class IV and Class V Construction, Reconstruction, Resurfacing or Betterment, and Bridge Inspection Aid.** Any city, town or unincorporated place which has completed its Class II highways, shall be entitled to apply for aid for purposes of construction, reconstruction, resurfacing or betterments, and bridge inspection of Class IV and Class V highways. Any city, town or unincorporated place which has uncompleted portions of its Class II highways, shall also be entitled to apply for Class IV and Class V highway aid for any one year, provided it shall raise and appropriate for the same year such sums for construction of its uncompleted Class II highways as may be determined by the commissioner of public works and highways.

465:3 Appropriation. There is hereby appropriated for fiscal year 1971 the sum of two hundred thousand dollars or such sum not exceeding two hundred thousand dollars that the balance in the highway fund as of June 30, 1970 exceeds one million, five hundred seventy-two thousand, seven hundred ten dollars, whichever is less. Said sum shall be expended by the department of public works and highways for the purposes of RSA 242:2 (a) and shall be in addition to all other appropriations for town road aid. The governor is authorized to draw his warrant for said sum which shall be a charge against the highway fund.

465:4 Effective Date. This act shall take effect July 1, 1970.
[Approved July 3, 1969.]
[Effective date July 1, 1970.]

CHAPTER 466.

AN ACT TO ESTABLISH THE UNCLASSIFIED POSITION OF ASSISTANT COMMISSIONER OF SAFETY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

466:1 Position Established. Amend RSA 106-A by inserting after section 2-a (supp) the following new section: 106-A:2-b Assistant Commissioner of Safety. Subject to the approval of the governor and council, the commissioner of safety shall appoint an assistant commissioner of safety who shall be in charge of business administration within the department of safety. Said assistant commissioner shall be specially qualified by previous training and experience to perform all the duties assigned to him. The assistant commissioner may be removed for cause by the commissioner with the consent of the governor and council. The annual salary of the assistant commissioner shall be that prescribed in RSA 94:1-4.

466:2 Salary. Amend RSA 94:1 (supp) as amended by inserting in the appropriate alphabetical position the following: Assistant commissioner, safety 12,480 - 14,040.

466:3 Effective Date. This act shall take effect sixty days after its passage.
[Approved July 3, 1969.]
[Effective date September 1, 1969.]

CHAPTER 467.

AN ACT REDEFINING EARNABLE COMPENSATION UNDER THE TEACHERS' RETIREMENT SYSTEM.

Be it Enacted by the Senate and House of Representatives in General Court convened:

467:1 Earnable Compensation. Amend RSA 192:1, XII as amended by 1963, 75:1 by striking out in lines one, two and three the words "full

base rate of compensation paid to a teacher, plus such additional amounts as may be paid for extra-curricula educational activities or cost of living bonus" and inserting in place thereof the following (rate of compensation payable to a teacher on the first full payable period of a new fiscal year, except that any change in job classification shall be taken into account as of the first full payroll period following such change in job classification, plus such additional amounts as may be paid for extracurricular additional activities or cost of living bonus) so that said paragraph as amended shall read as follows: XII. "Earnable compensation" shall mean the rate of compensation payable to a teacher on the first full payable period of a new fiscal year, except that any change in job classification shall be taken into account as of the first full payroll period following such change in job classification, plus such additional amounts as may be paid for extra-curricular additional activities or cost of living bonus. In cases where compensation includes maintenance the board of trustees shall fix the value of that part of the compensation not paid in money. Notwithstanding the foregoing, the earnable compensation of a member whose compensation is reduced for any reason shall, at the election of the teacher made at the time of such reduction, be deemed for the purposes of the retirement system to be continued at the higher rate. Such election shall be irrevocable.

467:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 468.

AN ACT TO PROVIDE IMPROVED HIGHWAY ACCESS TO GRENIER FIELD AND THE GREATER MANCHESTER INDUSTRIAL AIRPARK.

Be it Enacted by the Senate and House of Representatives in General Court convened:

468:1 Declaration of Need and Purpose. It is hereby declared that there is a public need for improved access roads to serve the transportation and industrial complex at Grenier Field and the Greater Manchester Industrial Airpark. It is the purpose of this act to provide funds to the city of Manchester and the town of Londonderry for the construction or reconstruction of these access roads in the interest of public safety and convenience. It is further declared that the existing access roads are inadequate and dangerous, that this condition imposes a severe economic penalty upon the industries and the employees at the Industrial Airpark, and presents an obstacle to further industrial development.

468:2 Authorization. The commissioner of public works and highways, subject to approval of the governor and council, is authorized to survey, design, and construct or reconstruct the access roads to Grenier Field and the Greater Manchester Industrial Airpark in the city of Manchester and the town of Londonderry.

468:3 Classification. The access roads shall be classified as class II highways.

468:4 Appropriation. The sum of sixty thousand dollars is appropriated for preliminary surveys and engineering design. The appropriation is in addition and added to the department of public works and highways engineering appropriation under the budget acts. The funds for preliminary engineering may be spent by the commissioner of public works and highways only upon approval of the governor and council after determination of the feasibility of the project. The governor is authorized to draw his warrant for the sum hereby appropriated which shall be a charge against the highway funds.

468:5 Construction Funds. The industrial development authority is authorized to make a construction loan up to seven hundred thousand dollars to the city of Manchester and up to three hundred twenty-five thousand dollars to the town of Londonderry to construct or reconstruct these access roads. The loans by the authority are to be made upon such terms and conditions as prescribed by the authority and the expenditures shall be subject to the approval of the governor and council as provided under RSA 236-C and 162-A. The commissioner of public works and highways, before commencing construction, shall determine that title to the right of way has been conveyed to the state or the city and the town.

468:6 Review of Status. Following the grant of a loan pursuant to the preceding section, the industrial development authority shall review the status of the improvements from time to time to determine the public use and benefit deriving from the improvements. The authority shall, in its discretion, recommend to the general court the redemption of the loan under the provisions of chapter 236-C:6 subparagraph III.

468:7 Intent of Act. Where not specifically mentioned, it is the intent that this act be carried out in accordance with the provisions of RSA 236-C and 162-A as amended.

468:8 Effective Date. This act shall take effect upon its passage.

[Approved July 3, 1969.]

[Effective date July 3, 1969.]

CHAPTER 469.

AN ACT RELATING TO THE LICENSING OF AUCTIONEERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

469:1 New Chapter. Amend RSA by inserting after chapter 311-A as inserted by 1961, 247:1 the following new chapter:

Chapter 311-B Auctioneers

311-B:1 Definitions. As used in this chapter the following words shall have the following meanings:

I. "Auctioneer" means a person who engages in this state in the business of selling for another real, personal or mixed property by auction.

II. "Auctioneering" means the business or act of selling for another real, personal or mixed property by auction.

III. "Board" means the state board of auctioneers.

IV. "Resident" means any person who has resided within the state six months next preceding the day of filing an application.

311-B:2 State Board of Auctioneers. There is hereby established a state board of auctioneers, the purpose of which shall be to advise and make recommendations to the secretary of state on matters pertaining to the administration of this chapter and to perform such other duties and functions as are prescribed herein. The board shall consist of three members who shall be residents of this state, and who shall be auctioneers licensed under this chapter. Members shall be appointed by the governor, with the advice of the council. Members first appointed shall be appointed for terms of one, two, and three years respectively. Thereafter one member shall be appointed each year thereafter for a term of three years. Terms shall expire March first. The board shall elect one of its members chairman, and one as secretary. Members shall serve without compensation.

311-B:3 Rules. The board, with the approval of the secretary of state, shall prescribe and enforce rules governing auctioneers, auctioneering, and auctions.

311-B:4 Auctioneering Without a License Prohibited. No person shall in this state engage himself in the business of auctioneer, hold himself out as an auctioneer, engage in auctioneering, or advertise that he will sell the real, personal or mixed property of another by auction unless he has been approved by the board of auctioneers and issued and hold a valid auctioneer's license from the secretary of state under this chapter. Provided, however, that a licensed auctioneer may employ unlicensed qualified or apprentice auctioneers to assist him.

311-B:5 Qualifications. Subject to other requirements hereof, auctioneers' licenses shall be granted to applicants who are residents of this state, are trustworthy and competent to auction real, personal or mixed property of others in such a manner as to safeguard the interests of the public after proof thereof has been presented to the board of auctioneers, in any form they deem advisable.

311-B:6 Nonresidents, Reciprocity. A nonresident may be granted such license only if the state of his residence extends identical licensing privileges to residents of this state, and if he otherwise conforms to all the provisions of this chapter. Such nonresident shall also, before obtaining a license, file with the secretary of state in writing his irrevocable consent that suits and actions arising against him in this state out of his acts as an auctioneer may be commenced upon him by service of process upon the secretary of state.

311-B:7 Application. An application for license shall be in writing and shall be obtained from the secretary of state. Such application shall be in such form as prescribed and approved by the board of auctioneers. It shall contain a showing as to the applicant's ability to judge the value

of real, personal and mixed property and such other information as the secretary of state and the board of auctioneers require to determine the qualifications of the applicant and compliance with this chapter. If the applicant is an individual, he shall verify the same; if a firm or corporation, it shall be verified by at least two members or officers. The application shall be accompanied by the required fee and affidavits of at least two disinterested persons who are reputable freeholders, in the area where the applicant resides, and at least one of which is a resident licensed auctioneer under this law, certifying that the applicant is trustworthy and competent to auction real, personal and mixed property in such a manner as to safeguard the interests of the public. Each such affidavit shall among other things set forth the name, age, address, and occupation of the affiant, the extent of his acquaintanceship with the applicant, his familiarity with past business experience and dealings of the applicant and such other knowledge of the applicant and his background upon which the affidavit is founded. Applications for renewal licenses need not be accompanied by such affidavits.

311-B:8 Bond. No license shall be granted hereunder until the applicant has filed with the secretary of state a bond in the sum of one thousand dollars for residents and five thousand dollars for nonresidents, with sureties approved by the secretary of state, conditioned that he will properly account for and deliver to the person entitled thereto all moneys and things of value coming into his hands as an auctioneer and will conform to all laws relating to such auctions.

311-B:9 Local Regulation. This chapter shall not be deemed to nullify or prevent a municipal corporation from collecting an additional fee from auctioneers licensed under this statute.

311-B:10 Expiration of License — Fee. The annual fee for a license shall be fifty dollars for resident auctioneers and seventy-five dollars for out-of-state auctioneers. Said license shall expire on May thirtieth following its issuance.

311-B:11 Denial, Suspension, Revocation. A license may be suspended or revoked for a maximum of one year, and an application for a renewal license may be denied only after the board shall so determine in the manner and for one of the reasons provided in this section. A license may be suspended or revoked and an application for a renewal license may be denied for one or more of the following reasons:

- I. Failure to meet the qualifications in section 5;
- II. Conviction of a felony;
- III. Wilful violation of this chapter;
- IV. Acts of bad faith or misrepresentations resulting in conviction in a court of law;
- V. Unethical conduct which in the judgment of the board is reprehensible and against public welfare and protection;
- VI. Conducting an auction sale for another without notice having been published or posted thereof and stating in such notice the name of the auctioneer conducting the sale.

VII. No license shall be denied, suspended, or revoked until after five days notice in writing to the licensee or applicant stating the ground of the proposed action and a public hearing at which he shall have opportunity to be heard, present testimony in his behalf and be confronted by witnesses against him. The board, in its discretion, may grant the accused a temporary permit to auction pending such hearing and determination. Determinations shall be made and the licensee or applicant notified thereof within five days after hearing. Any auctioneer notified of a suspension may request a rehearing within twenty days from the date of notification upon a rehearing and continued denial, suspension or revocation of license, or upon a refusal for rehearing said party shall be entitled to appeal his case before any superior court in the state of New Hampshire.

311-B:12 Penalties. Any person violating the provisions of this chapter shall be fined not less than twenty-five dollars, nor more than one thousand dollars or imprisoned not more than six months, or both.

311-B:13 Exceptions.

I. This chapter shall not apply to any auctions held by order or judgment of any court of the state or the United States or by any officer of a municipality, county, state of United States, foreclosure sales by mortgagees, lienholders or holders of any other kinds of security interests in real, personal or mixed property or to sales conducted or made by sheriffs, deputy sheriffs, constables, collectors of taxes, executors, administrators, guardians, conservators, receivers, assignees under voluntary assignments for the benefit of creditors or insurers, or by any other person required by law to sell real, personal or mixed property.

II. Any resident member of a charitable, educational, religious or other nonprofit organization, within the state, may conduct a charity auction without a license, for that organization, so long as no fee is charged for that service.

III. Notwithstanding any provision of this chapter in conflict herewith, the secretary of state and board shall grant and issue a license to any auctioneer applying therefor within six months after the effective date of this chapter who shall pay the proper fee and make proof satisfactory to the secretary of state and the board that he was at the time this chapter took effect, a resident of this state and engaged in the business of auctioneering real, personal or mixed property.

311-B:14 Auctioneers. All moneys collected under this chapter shall be paid into the general fund and are appropriated therefrom to the secretary of state for the purpose of carrying out the provisions of this chapter.

469:2 Repeal. RSA 311-A as inserted by 1961, 247:1, relative to auctioneers is hereby repealed.

469:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 470.

AN ACT TO PROVIDE ADEQUATE CARE FOR DISADVANTAGED CHILDREN.

Be it Enacted by the Senate and House of Representatives in General Court convened:

470:1 Purpose of Act. The purpose of this act is to provide services for children awaiting placement at Laconia State School and to provide services for handicapped children requiring residential education services.

470:2 Social Services for Mentally Retarded. Amend RSA 126-A by inserting after section 37 the following new sections:

126-A:37-a Social Service Section. A social service section is created in the office of mental retardation, in the office of the director of the division of mental health, with the following functions:

I. Speeding the process of acceptance and placement of mentally retarded persons in Laconia State School.

II. Speeding the process of community placement of residents at Laconia State School who are ready for community life.

III. Assisting former residents placed in the community in meeting the problems of community living.

IV. Assisting families having a family member on the waiting list at Laconia State School, to enable the family to meet the problems arising from having a mentally retarded person in the home.

126-A:37-b Staff.

I. The staff of the social service section is composed of a director of psychiatric social work, a psychiatric social worker, clerical assistance, and a family resources consultant.

126-A:37-c Duties of Family Resources Consultant. The duties of the family resources consultant include:

I. Assisting families having a mentally retarded family member in solving problems arising from the presence of such mentally retarded person, whether or not the mentally retarded person is on the waiting list at Laconia State School;

II. Assisting families in the budgeting of family resources, including time, funds, and outside help;

III. Aiding others in the community to understand the needs of and pressures on family arising from the presence of a mentally retarded family member and being responsible for consultation in communities and for the training of local groups in understanding and assisting families with these problems.

470:3 Appropriation. The sum of thirty-eight thousand three hundred dollars is appropriated for the fiscal year ending June 30, 1970, and the same amount is appropriated for the fiscal year ending June 30, 1971. Said sums are appropriated as follows:

	Fiscal Year 1969-1970	Fiscal Year 1970-1971
Personal services:		
Permanent:		
Director of psychiatric social work	\$10,560	\$11,170
Psychiatric social worker	7,220	7,678
Family resources consultant	6,900	7,345
Clerk-stenographer II	3,969	4,158
Total Permanent	\$28,649	\$30,351
Current expenses	1,100	1,100
Equipment and equipment maintenance	1,932	150
Travel:		
In-state	3,900	3,900
Out-of-state	540	565
Retirement, OASI and fringe benefits	2,179	2,234
Total	\$38,300	\$38,300

These sums are in addition to any other sums appropriated for the division of mental health. The governor may draw his warrant for these sums out of any money in the treasury not otherwise appropriated.

470:4 Scholarship Aid for Handicapped Children. Amend RSA 186-A:8 as inserted by 1965, 378:1 and as amended by 1967, 351:1, by striking out in line ten the words "for the deaf and/or for the blind" and inserting in place thereof the words (for handicapped children) so that said section as amended shall read as follows: **186-A:8 Tuition of Handicapped Children.** Whenever any handicapped child shall attend, with the approval of the state board of education, any public or private school, situated within or outside of this state, which offers special instruction for the training or education of handicapped children and which has been approved for such training by the state board of education, the school district where such handicapped child resides is hereby authorized and empowered and may appropriate and pay a portion of the cost of such education in the manner and up to the amounts as provided by RSA 193:4 and 194:27. The state board of education shall assign pupils to approved schools for handicapped children. Schooling for deaf children may commence at the age of four. The school district in which each such pupil resides shall be liable for tuition of said child in the same manner and amount as specified in RSA 193:4 and 194:27. A school district may pay tuition at a rate higher than the amount specified in RSA 193:4 and 194:27, when in the judgment of the school board the circumstances warrant it.

470:5 Appropriation. The sum of twenty-five thousand dollars is appropriated for the fiscal year ending June 30, 1970 and the same amount is appropriated for the fiscal year ending June 30, 1971 to be spent by the state department of education to assist the families of handicapped children and local school districts in paying the costs of residential education services for handicapped children under RSA 186-A. The governor may draw his warrant for these sums out of any money in the treasury not otherwise appropriated.

470:6 Appropriation. The sum of twenty thousand dollars is appropriated for the fiscal year ending June 30, 1970, and the sum of thirty thousand dollars is appropriated for the fiscal year ending June 30, 1971 to be used by the office of mental retardation to cover the interim costs of caring for mentally retarded children otherwise eligible for placement as residents in the Laconia State School, but who are not able to enter the school because of the lack of space at the school. These interim placement costs may include nursery care for infants at approved nursery care homes, or may be used for the movement and maintenance costs for mentally retarded children of school age whose residence locations prevent them from attending special education classes. The director of the division of mental health may promulgate rules and regulations covering the spending of these funds. The director is authorized to use these funds in any way that in his judgment will reduce the waiting list for admission to Laconia State School. The governor may draw his warrant for these funds on any money in the treasury not otherwise appropriated.

470:7 Effective Date. This act shall take effect July 1, 1969.

[Approved July 3, 1969.]

[Effective date July 1, 1969.]

CHAPTER 471.

AN ACT PROVIDING THAT PENDING THE APPEAL OF
CERTAIN OUT OF STATE MOTOR VEHICLE CONVICTIONS
AN OPERATOR MAY RETAIN HIS LICENSE UPON FILING RECOGNIZANCE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

471:1 Out of State Convictions. Amend RSA 262-A by inserting after section 65 (supp) as inserted by 1963, 330:1 and amended by 1967, 185:1 the following new section: **262-A:65-a Recognizance When Appealing Out of State Conviction.** Whenever any person convicted in another state of the type of violation cited in RSA 262-A:61 or 62 appeals, the person appealing may recognize in this state in the sum of one hundred dollars, with sufficient sureties to keep the peace and be of good behavior until such appeal has been finally disposed of. Such sum shall be paid to the director of motor vehicles and no suspension of his New Hampshire operator's license shall occur while the appeal of the out of state conviction is pending.

471:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 472.**AN ACT ADDING A FOURTH RETIREMENT BENEFIT OPTION
TO THE STATE EMPLOYEES' RETIREMENT SYSTEM.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

472:1 State Employees' Retirement System. Amend RSA 100:11 by inserting after option 3 the following new option: Option 4. A reduced retirement allowance payable during the retired member's life, with some other benefit payable after his death, provided that such other benefit shall be approved by the board of trustees.

472:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 473.**AN ACT ADDING A THIRD RETIREMENT BENEFIT OPTION
TO THE FIREMEN'S RETIREMENT SYSTEM.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

473:1 Permanent Firemen's Retirement System. Amend RSA 102:16 (supp) by inserting after paragraph III the following new option: Option 3: A reduced retirement allowance payable during the retired member's life, with some other benefit payable after his death, provided that such other benefit shall be approved by the board of trustees.

473:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 474.**AN ACT ALLOWING GROUP II MEMBERS OF NEW HAMPSHIRE RETIREMENT SYSTEM
TO ELECT OPTIONS 1 OR 4.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

474:1 New Hampshire Retirement System. Amend the unnumbered introductory paragraph of RSA 100-A:13 (supp) as inserted by 1967, 134:1 by striking out in lines eleven and twelve the words "A group II member may only elect either option 2 or option 3 below" so that said unnumbered paragraph, as amended, shall read as follows: At least thirty days prior to his retirement, any member may elect to convert the retirement allowance otherwise payable on his account after retirement into a retirement

allowance of equivalent actuarial value under one of the options named below, which election shall become effective on his date of retirement; provided, however, that no election of an optional benefit shall become effective until sixty days after the date of filing of the election thereof with the retirement board, or until sixty days after retirement, whichever is later, excepting that if the member so electing dies before the expiration of said sixty days, the election shall become effective as of the date of his death.

474:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 475.

AN ACT REQUIRING REPAYMENT OF COUNSEL FEES AND EXPENSES PAID BY STATE OR MUNICIPALITY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

475:1 Repayment. Amend RSA 604-A by inserting after section 8 the following: **604-A:9 Repayment.** Any defendant whose case is continued for sentence, or who receives a suspended sentence, or who is placed on probation, and who has had counsel assigned to him at the expense of the state or county or city or town, may be ordered by the court to repay the state, county, city, or town all of the fees and expenses paid on his behalf on such terms as the court may order. Failure to comply with the court's order shall be considered a violation of probation and shall, after a summary hearing, be punished.

475:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 476.

AN ACT PROVIDING COMPENSATION FOR ELECTION SERVICES OF CERTAIN TOWN CLERKS TO UNINCORPORATED PLACES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

476:1 Town Clerk of Shelburne. Amend RSA 59 by inserting after section 130 (supp) the following new section: **59:131 Service to Unincorporated Places.** For services to unincorporated places during any biennial election, as directed by the preceding section, the town clerk of Shelburne

shall be paid the sum of fifty dollars. Said payment shall be a charge against the appropriation for elections for the office of secretary of state.

476:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 477.

AN ACT PROVIDING FOR THE LICENSING AND REGISTRATION
OF PRIVATE TRADE, COMMERCIAL, CORRESPONDENCE AND OTHER SCHOOLS
AND CORRESPONDENCE SCHOOL REPRESENTATIVES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

477:1 New Chapter. Amend RSA by inserting after chapter 188-B (supp) the following new chapter:

Chapter 188-C

Regulation of Private Trade, Commercial, Correspondence and other Schools and Correspondence School Representatives.

188-C:1 Definitions. The following words and phrases shall have the following meanings unless the context clearly requires otherwise:

I. "Private commercial school" shall mean any proprietary educational institution doing business in this state which provides or promises to provide training to prepare a person to become a secretary, stenographer, bookkeeper, business machine operator, computer operator, or other clerical specialist. It shall not include any educational institution authorized to grant degrees or accepted as a candidate for recommendation for such authorization by the coordinating board of advanced education and accreditation, any educational institution licensed by some other state agency, nor shall it include any educational institution operated by a business organization exclusively for the training of its own employees.

II. "Private correspondence school" shall mean any proprietary educational institution doing business in this state which conducts courses of study in which the student studies lessons sent to him on a regular basis through the mail. It shall not include any educational institution authorized to grant degrees or accepted as a candidate for recommendation for such authorization by the coordinating board of advanced education and accreditation, any educational institution licensed by some other state agency, nor shall it include any educational institution operated by a business organization exclusively for the training of its own employees.

III. "Private trade school" shall mean any proprietary educational institution doing business in this state which provides or promises to provide training to prepare a person to become a skilled worker in any trade or manual occupation which requires specialized training, or to prepare a person to become a scientific, medical, dental, or data processing tech-

nician. It shall not include any educational institution authorized to grant degrees or accepted as a candidate for recommendation for such authorization by the coordinating board of advanced education and accreditation, any educational institution licensed by some other state agency, nor shall it include any educational institution operated by a business organization exclusively for the training of its own employees.

IV. "Other schools" shall mean any proprietary educational institution doing business in this state which provides or promises to provide training in the fields of agriculture, music, or art, or in any combination of them. It shall not include any educational institution authorized to grant degrees or accepted as a candidate for recommendation for such authorization by the coordinating board of advanced education and accreditation, any educational institution licensed by some other state agency, nor shall it include any educational institution operated by a business organization exclusively for the training of its own employees.

V. "Representative" shall mean any person who, while in the state of New Hampshire, solicits or enters into contracts with residents of this state to provide training to said resident in a correspondence school, as defined in this section.

188-C:2 Licenses.

I. Every private commercial, correspondence, trade or other school, charging tuition or fees which gives pre-employment or supplementary training, or both, established and operated in this state, shall be required to register and obtain a license to conduct such business from the state board of education. Said license shall be issued under regulations to be promulgated by the state board of education, who shall establish minimum criteria, such as, financial stability, educational program, administrative and staff qualifications, business procedures, facilities, equipment, and ethical practices to be met by licensees. In no case shall a license be issued to any institution which has not posted a performance bond of five thousand dollars with the state board of education. If an institution licensed pursuant to this section should fail to provide the services called for in a contract with a resident of this state, as determined by a court of competent jurisdiction, said bond shall be forfeited, and the proceeds distributed by the state board of education in such a manner as justice and the circumstances require. The fee for a license issued pursuant to this paragraph shall not exceed fifty dollars. Said license shall be renewable yearly.

II. Every representative, as defined in section 1, shall register and obtain a license to solicit and enter into contracts to provide training by a correspondence school. Said license shall be issued under regulations promulgated by the state board of education, who shall establish minimum criteria of personal integrity, qualifications and conduct to be met by licensees. The fee for said licenses shall not exceed ten dollars, and it shall be renewable yearly.

188-C:3 Inspections. The state board of education may at any time inspect the premises, curriculum, teaching materials, faculty performance, sales literature, or other matters which are relevant to the educational pro-

cedures of business activities of a licensed institution or representative in order to determine whether applicable laws and regulations are being complied with.

188-C:4 Revocation; Hearing. The state board may, after due notice and hearing, revoke the license of any institution or representative licensed pursuant to section 2 for violation of the provisions of this chapter or of regulations promulgated hereunder. The provisions of RSA 541 shall apply to actions taken pursuant to this section.

188-C:5 Three Day Waiting Period. Every contract that purports to bind a resident of this state to pay money to a private trade, commercial, correspondence or other school in return for training by said school shall be voidable by either party until the end of the third business day after the day said contract is entered into. Any such contract which is in writing shall contain a provision in bold face type which quotes, verbatim, the provisions of this section. The voidance of said contract shall be deemed to have taken place when written notice thereof is mailed or is personally delivered to the other party.

188-C:6 Use of Fees. All license fees collected under the provisions of this chapter shall be retained by the department of education for use in meeting the expenses of administering this chapter.

188-C:7 Rules and Regulations. The state board of education shall make such rules and regulations as they deem necessary in order to carry out the provisions of this chapter.

188-C:8 Advisory Committee. The state board of education is authorized to appoint a committee of five to nine members, a majority of which shall consist of owners, administrators or other representatives of proprietary educational institutions doing business in this state to advise the board in its administration of this chapter.

188-C:9 Penalty. Whoever violates any provisions of this chapter shall be fined not more than five hundred dollars.

477:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 478.

AN ACT RELATING TO LIABILITY FOR SUPPORT BY STEP-PARENTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

478:1 Liability. Amend RSA 167:2 as amended by 1959, 12:1 and 1961, 222:1 by striking out in lines twelve, thirteen and fourteen the words "The words 'stepfather' or 'stepmother' as used herein shall only apply to a person who has assumed the relation of a parent to his minor stepchild." so that said section, as amended, shall read as follows: **167:2 Liability for**

Support; Recovery. Assistance rendered under this chapter or RSA 161 to anyone having a father, mother, stepfather, stepmother, son, daughter, husband or wife, whose weekly income or other resources are more than sufficient to provide a reasonable subsistence compatible with decency and health, may be recovered in an appropriate proceeding in the superior court brought by the director of the division of welfare, department of health and welfare, in the name of the state, from either a father, mother, stepfather, stepmother, son, daughter, husband, or wife, who are declared jointly and severally liable for such assistance. Such action shall be brought by the attorney-general or the county attorney for the county in which any such relative resides when so requested by the director of the division of welfare.

478:2 Definitions. Amend RSA 546-A:1,V, (supp) as inserted by 1955, 206:1 by striking out in lines two and three the words "who has assumed the relation of a parent to his or her stepchild" so that said paragraph as amended, shall read as follows: V. "Father" or "mother" means either a natural or adopted father or mother or a stepfather or stepmother.

478:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 479.

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE FISH AND GAME DEPARTMENT AND THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS FOR THE YEAR ENDING JUNE 30, 1970.

Be it Enacted by the Senate and House of Representatives in General Court convened:

479:1 Appropriations: The sums hereinafter detailed in this act are hereby appropriated to be paid out of the treasury of the state for the purposes specified for the departments herein named, for the fiscal year ending June 30, 1970, to wit:

For fish and game department:

Commission:

Personal services:

Permanent	\$	3,969
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Current expenses		50
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Travel:

In state		2,000
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Out of state		1,500
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Equipment		778
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Other expenditures:

Employees' retirement		45,842
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Total

	\$	54,139
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Administration:		
Salary of director	\$	14,220
Other personal services:		
Permanent		90,518
Other		2,500
Current expenses		61,850
Travel:		
In state		1,320
Out of state		985
Equipment		19,366
Other expenditures:		
Oasi		45,842
Blue cross and insurance		5,450
Total		242,051

Conservation officers:		
Personal services:		
Permanent	\$	317,200
Other		10,000
Current expenses*		34,677
Travel:		
In state		53,750
Equipment		222,303

Total 637,930

*No charge against this appropriation, or any other appropriation of the fish and game department, shall be made for telephone services for conservation officers, except for toll services.

Bobcat bounties* 2,000

*No part of this appropriation shall be transferred or expended for any other purpose.

Damage:

Personal services:		
Permanent	\$	13,783
Other		4,000
Current expenses		9,505
Travel:		
In state		800
Out of state		195
Equipment		6,300
Other expenditures:		
Damage grants		5,500

Total 40,083

Information and education division:

Personal services:		
Permanent	\$	38,085
Other		1,000
Current expenses		32,650

Travel:		
In state	3,150	
Out of state	1,250	
Equipment	18,763	
Other expenditures:		
Shows*	4,000	
Total		98,898
*Not to be transferred or expended for any other purpose.		
Inland fisheries (propagation of fish):		
Personal services:		
Permanent	\$ 399,454	
Other	9,790	
Current expenses	137,715	
Travel:		
In state	14,080	
Out of state	2,566	
Equipment	32,945	
Other expenditures:		
U.N.H. contract	8,500	
Total		605,050
Propagation of game:		
Personal services:		
Permanent	\$ 22,806	
Other	1,000	
Current expenses	13,815	
Travel:		
In state	200	
Out of state	190	
Equipment	3,100	
Total		41,111
Management and research:		
Personal services:		
Permanent	\$ 102,338	
Other	2,674	
Current expenses	15,835	
Travel:		
In state	2,680	
Out of state	1,720	
Equipment	10,095	
Other expenditures:		
U.N.H. and Dartmouth projects	18,900	
Wetlands study	12,000#	
Total		166,242

#This appropriation shall not be transferred or expended for any other purpose, and may only be expended with prior approval of the governor.

Maintenance and construction:

Personal services:

Permanent	\$ 109,316
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Other	10,000
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Current expenses	42,985
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Travel:

In state	4,500
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Out of state	600
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Equipment	27,930
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Other expenditures:

Land acquisition	20,000*
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Adams Point property	5,000
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Total	220,331
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*This appropriation shall not be transferred or expended for any other purpose, and shall not lapse at June 30, 1970.

Total	\$ 2,107,835
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Less revenue and balance	2,107,835
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Net appropriation for fish and game department	\$ 0
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Note: In addition to the above appropriations any excess over the estimated revenue and balance may be expended by the fish and game commission with the prior approval of the governor and council. Appropriations for equipment shall not be transferred or expended for any other purpose.

For marine fisheries:

Personal services:

Permanent	\$ 20,502
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Other	3,000
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Current expenses	12,731
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Travel:

In state	4,705
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Out of state	1,795
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Equipment	15,240
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Other expenditures:

Projects 3-31R and 3-32R	9,500
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"COHO" project	8,800
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Atlantic coast marine fisheries	1,400
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Total	\$ 77,673
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Less revenue and balance	77,673
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Net appropriation for marine fisheries	\$ 0
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Note: In addition to the above appropriations, any excess over the estimated revenue and balance may be expended by the fish and game commission with the prior approval of the governor and council.

For public works and highways:

Administration:

Salary of commissioner	\$ 20,665
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Salary of deputy commissioner	17,520	
Salary of assistant commissioner	17,310	
Other personal services:		
Permanent	453,279	
Other	8,705	
Current expenses	256,028	
Travel:		
In state	500	
Out of state	4,000	
Equipment	2,286	
Total		\$ 780,293
Engineering		
Personal services:		
Permanent	\$ 3,961,907 #	
Other	1,000,000	
Current expenses	190,000	
Travel:		
In state	233,500	
Out of state	5,000	
Equipment	18,451	
Total		5,408,858
# This appropriation includes new positions of civil engineer II & V which shall be utilized to provide engineering assistance to the cities and towns.		
Materials and research:		
Personal services:		
Permanent	\$ 374,327	
Other	13,300	
Current expenses	38,170	
Travel:		
In state	25,732	
Out of state	500	
Equipment	3,930	
Total		455,959
Mechanical division:		
Personal services:		
Permanent	\$ 474,278	
Other	10,600	
Current expenses	865,000	
Travel:		
In state	2,000	
Out of state	1,000	
Equipment	500,000	
Total		1,852,878
Planning and economics		
Personal services:		
Permanent	\$ 309,419	

Other	21,900	
Current expenses	22,535	
Travel:		
In state	9,300	
Out of state	800	
Equipment	12,565	
	<hr/>	
Total		376,519
Road maintenance:		
Personal services:		
Permanent	\$ 4,128,244	
Other	480,000	
Current expenses	6,400,000	
Travel:		
In state	175,000	
Equipment	152,065	
	<hr/>	
Total		11,335,309
Bridge maintenance:		
Personal services:		
Permanent	\$ 437,564	
Other	29,000	
Current expenses	407,500	
Travel:		
In state	99,000	
Equipment	47,652	
	<hr/>	
Total		1,020,716
Traffic division: (highway marking and roadside development)		
Personal services:		
Permanent	\$ 355,370	
Other	32,497	
Current expenses	390,000	
Travel:		
In state	68,000	
Out of state	350	
Equipment	775	
	<hr/>	
Total		846,992
Legislative specials:		
Claims	\$ 750	
Retirement	428,700	
Oasi	517,300	
Maintenance, class V highways	300,100	
Roads to public waters	10,000	
Accidents and compensation	50,000	
Special retirement	2,064	
Attorney general — for legal services	73,905	

Safety department — for commissioner, division of motor vehicles, state police and safety services	3,289,075	
Highway safety agency	32,440	
Water resources — for stream flow gauging	10,000	
State treasurer — for services	22,528	
Blue cross and insurance	54,000	
Junkyards	10,000	
Outdoor advertising	1,000	
Total		4,801,862
Debt service		4,877,725
Land and buildings	\$ 590,000	
Transfer from:		
E.N.H. turnpike	22,240	
C.N.H. turnpike	22,240	
Net total		545,520
Construction and reconstruction:		
Matching funds (federal aid):		
Interstate	\$23,119,000	
Primary	6,034,000	
Secondary	4,022,000	
Urban	1,564,000	
Topics*	955,000	
Total matching funds+		35,694,000

*These funds may be expended as necessary for the development of Comprehensive Transportation Plans and TOPICS studies required by the Bureau of Public Roads, and the construction of TOPICS projects. Contributions from local communities of 50% of the cost of the TOPICS study and 5% of the Comprehensive Transportation Plan shall be added to this appropriation, which shall be non-lapsing during this biennium.

+No transfers shall be made from this appropriation.

State funds:		
Trunk line reconstruction	\$ 75,000	
State aid reconstruction	75,000	
State aid construction	75,000	
Town road aid	1,650,000	
Betterments	1,650,000	
State aid bridge construction	150,000	
Town road bridge	300,000	
Damage	100,000	
Total		4,075,000
Total for public works and highways		\$72,071,631
Less estimated revenue and balance:		
Available from estimated lapses and balance	\$ 684,439	

Gasoline road toll	23,438,249
Motor vehicle fees	13,812,600
Mechanical division	1,641,500
Federal aid funds	28,044,843
Other revenue	450,000
Funds from issuance of bonds	4,000,000

Total	\$72,071,631
Net appropriation	\$ 0

For eastern New Hampshire turnpike:

Blue Star memorial highway:

Operation:

Personal services:

Permanent \$118,463

Other 42,888

Current expenses 103,236

Travel:

In state 1,950

Equipment 3,325

Total	\$269,862
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Maintenance:

Personal services:

Permanent \$ 71,983

Other 5,750

Current expenses 113,030

Travel:

In state 700

Equipment 9,985

Total	201,448
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Debt service:

Bonds maturing \$340,000

Interest on bonds 41,440

Total	381,440
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Total for Blue Star memorial highway	\$ 852,750
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Spaulding turnpike:

Operation:

Personal services:

Permanent \$ 90,797

Other 20,000

Current expenses 100,643

Travel:

In state 1,575

Equipment 2,825

Total	\$ 215,840
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Maintenance:			
Personal services:			
Permanent	\$ 74,064		
Other	6,883		
Current expenses	205,135		
Travel:			
In state	1,500		
Equipment	17,430		
Total		305,012	
Debt service:			
Bonds maturing	\$490,000		
Interest on bonds	347,825		
Total		837,825	
Total Spaulding turnpike			1,358,677
Total for eastern New Hampshire turnpike		\$ 2,211,427	
Less estimated revenue		2,211,427	
Net appropriation		\$	0
For central New Hampshire turnpike:			
Operation:			
Personal services:			
Permanent	\$ 142,335		
Other	32,943		
Current expenses	174,281		
Travel:			
In state	2,300		
Equipment	2,975		
Total		\$	354,834
Maintenance:			
Personal services:			
Permanent	\$ 148,312		
Other	7,960		
Current expenses	222,861		
Travel:			
In state	3,000		
Equipment	27,595		
Total			409,728
Debt service:			
Bonds maturing	\$ 740,000		
Interest on bonds	437,513		
Total			1,177,513

Total for central New Hampshire turnpike	\$ 1,942,075
Less estimated revenue	1,942,075
Net appropriation	<u>\$ 0</u>

479:2 Out of state travel. Notwithstanding any other provision of law, no transfers shall be made to or from any out of state travel appropriation authorized by section 1. The state treasurer and the state comptroller shall maintain separate appropriation accounts for out of state travel as appropriated in section 1.

479:3 Equipment. The individual appropriations provided for equipment in section 1 hereof shall not be transferred or expended for any other purpose.

479:4 Estimated federal funds. If under any appropriation in section 1 the federal grant received is less than estimated, the total appropriation shall be reduced by the amount of reduction in federal estimates and the applicable state matching funds.

479:5 Bond issue authorized. To provide funds for the purpose of construction and reconstruction of highways, the state treasurer is hereby authorized to borrow upon the credit of the state in a sum not exceeding four million dollars and for that purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The interest and principal due on bonds or notes issued under this section shall be a charge on the highway fund.

479:6 Continuing appropriation. The monies provided in section 5 hereof shall be a continuing appropriation and shall not lapse.

479:7 Effective Date. This act shall take effect July 1, 1969.

[Approved July 3, 1969.]

[Effective date July 1, 1969.]

CHAPTER 480.

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE FISH AND GAME
DEPARTMENT AND THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
FOR THE YEAR ENDING JUNE 30, 1971.

Be it Enacted by the Senate and House of Representatives in General Court convened:

480:1 Appropriations: The sums hereinafter detailed in this act are hereby appropriated to be paid out of the treasury of the state for the purposes specified for the departments herein named, for the fiscal year ending June 30, 1971, to wit:

For fish and game department:

Commission:

Personal services:

Permanent	\$ 4,158
Current expenses	50

Travel:		
In state	2,000	
Out of state	1,500	
Other expenditures:		
Employees' retirement	46,114	
	<hr/>	
Total		\$ 53,822
Administration:		
Salary of director	\$ 14,220	
Other personal services:		
Permanent	91,981	
Other	2,500	
Current expenses	62,750	
Travel:		
In state	1,320	
Out of state	985	
Equipment	2,196	
Other expenditures:		
Oasi	46,114	
Blue cross and insurance	5,450	
	<hr/>	
Total		227,516
Conservation officers:		
Personal services:		
Permanent	\$ 359,459	
Other	10,000	
Current expenses*	38,077	
Travel:		
In state	68,030	
Out of state	400	
Equipment	114,176	
	<hr/>	
Total		590,142

*No charge against this appropriation, or any other appropriation for the fish and game department, shall be made for telephone services for conservation officers, except for toll services.

Bobcat bounties* 2,000

*No part of this appropriation shall be transferred or expended for any other purpose.

Damage:	
Personal services:	
Permanent	\$ 14,030
Other	5,280
Current expenses	8,335
Travel:	
In state	800
Out of state	195
Equipment	200
Other expenditures:	
Damage grants	5,500
	<hr/>

Total		\$ 34,340
Information and education division:		
Personal services:		
Permanent	\$ 38,961	
Other	1,000	
Current expenses	32,650	
Travel:		
In state	2,850	
Out of state	1,300	
Equipment	2,561	
Other expenditures:		
Shows*	3,000	

Total		82,322
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*Not to be transferred or expended for any other purpose.

Inland fisheries (propagation of fish):		
Personal services:		
Permanent	\$ 401,738	
Other	9,790	
Current expenses	137,215	
Travel:		
In state	15,635	
Out of state	2,566	
Equipment	36,095	
Other expenditures:		
U.N.H. contract	8,500	

Total		611,539
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Propagation of game:		
Personal services:		
Permanent	\$ 22,982	
Other	1,000	
Current expenses	14,515	
Travel:		
In state	200	
Out of state	190	
Equipment	2,500	

Total		41,387
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Management and research:		
Personal services:		
Permanent	\$ 102,929	
Other	2,674	
Current expenses	15,335	
Travel:		
In state	2,680	
Out of state	1,720	
Equipment	8,950	
Other expenditures:		
U.N.H. and Dartmouth projects	14,500	

Wetland study	12,000 #
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Total	160,788
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This appropriation shall not be transferred or expended for any other purpose, and may only be expended with prior approval of the governor.

Maintenance and construction:

Personal services:

Permanent	\$ 110,517
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Other	10,000
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Current expenses	42,985
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Travel:

In state	5,200
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Out of state	600
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Equipment	9,874
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Other expenditures:

Land acquisition	10,000*
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Adams Point property	5,000
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Total	194,176
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* This appropriation shall not be transferred or expended for any other purpose.

Total	1,998,032
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Less revenue and balance	1,998,032
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Net appropriation for fish and game dept.	\$ 0
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Note: In addition to the above appropriations any excess over the estimated revenue and balance may be expended by the fish and game commission with the prior approval of the governor and council. Appropriations for equipment shall not be transferred or expended for any other purpose.

For marine fisheries:

Personal services:

Permanent	\$ 21,992
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Other	3,000
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Current expenses	12,731
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Travel:

In state	4,705
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Out of state	1,795
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Equipment	1,105
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Other expenditures:

Projects 3-31R and 3-32R	9,500
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"COHO" project	8,800
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Atlantic coast marine fisheries	700
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Total	\$ 64,328
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Less revenue and balance	64,328
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Net appropriation for marine fisheries	\$ 0
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Note: In addition to the above appropriations, any excess over the estimated revenue and balance may be expended by the fish and game commission with the prior approval of the governor and council.

For public works and highways:

Administration:

Salary of commissioner	\$ 20,680
Salary of deputy commissioner	17,520
Salary of assistant commissioner	17,340
Other personal services:	
Permanent	461,401
Other	8,705
Current expenses	264,622
Travel:	
In state	500
Out of state	4,000
Equipment	1,765

Total	\$ 796,533
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Engineering:

Personal services:	
Permanent	\$ 3,991,681 #
Other	1,000,000
Current expenses	190,000
Travel:	
In state	233,500
Out of state	5,000
Equipment	18,278

Total	5,438,459
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This appropriation includes new positions of civil engineer II & V which shall be utilized to provide engineering assistance to the cities and towns.

Materials and research:

Personal services:	
Permanent	\$ 377,259
Other	13,300
Current expenses	38,170
Travel:	
In state	25,732
Out of state	500
Equipment	2,470

Total	457,431
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Mechanical division:

Personal services:	
Permanent	\$ 481,068
Other	10,600
Current expenses	890,000
Travel:	
In state	2,000

Out of state	1,000	
Equipment	600,000	
	<hr/>	
Total		1,984,668
Planning and economics:		
Personal services:		
Permanent	\$ 310,982	
Other	21,900	
Current expenses	23,190	
Travel:		
In state	9,300	
Out of state	800	
Equipment	12,860	
	<hr/>	
Total		379,032
Road maintenance:		
Personal services:		
Permanent	\$ 4,174,897	
Other	480,000	
Current expenses	6,900,000	
Travel:		
In state	175,000	
Equipment	166,765	
	<hr/>	
Total		11,896,662
Bridge maintenance:		
Personal services:		
Permanent	\$ 403,859	
Other	25,000	
Current expenses	395,000	
Travel:		
In state	93,000	
Equipment	14,350	
	<hr/>	
Total		931,209
Traffic division: (highway marking and roadside development)		
Personal services:		
Permanent	\$ 357,429	
Other	32,497	
Current expenses	400,000	
Travel:		
In state	68,000	
Out of state	350	
Equipment	1,235	
	<hr/>	
Total		859,511
Legislative specials:		
Claims	\$ 750	
Retirement	450,700	

Oasi	563,000	
Maintenance, class V highways	300,100	
Roads to public waters	10,000	
Accidents and compensation	50,000	
Special retirement	2,064	
Attorney general — for legal services	76,718	
Safety department — for commissioner, division of motor vehicles, state police and safety services	3,292,628	
Highway safety agency	35,069	
Water resources—for stream flow gauging	10,000	
State treasurer—for services	22,762	
Blue cross and insurance	54,000	
Junkyards	10,000	
Outdoor advertising	1,000	
Total		4,878,791
Debt service		5,951,875
Land and buildings	590,000	
Transfer from:		
E.N.H. turnpike	22,974	
C.N.H. turnpike	22,974	
Net total		544,052
Construction and reconstruction:		
Matching funds (federal aid):		
Interstate	23,119,000	
Primary	6,034,000	
Secondary	4,022,000	
Urban	1,564,000	
Topics*	955,000	
Total matching funds+		35,694,000

*These funds may be expended as necessary for the development of Comprehensive Transportation Plans and TOPICS studies required by the Bureau of Public Roads, and the construction of TOPICS projects. Contributions from local communities of 50% of the cost of the TOPICS study and 5% of the Comprehensive Transportation Plan shall be added to this appropriation, which shall be non-lapsing during this biennium.

+No transfers shall be made from this appropriation.

State funds:

Trunk line reconstruction	\$ 75,000
State aid reconstruction	75,000
State aid construction	75,000
Town road aid	1,650,000
Betterments	1,650,000
State aid bridge construction	150,000
Town road bridge	300,000
Damage	100,000

Total		4,075,000
Total for public works and highways		<u>\$73,887,223</u>
Less estimated revenue and balance:		
Transfer to balance	\$ 50,001	
Gasoline road toll	25,172,679	
Motor vehicle fees	14,503,200	
Mechanical division	1,666,500	
Federal aid funds	28,044,843	
Other revenue	450,000	
Funds from issuance of bonds	4,000,000	
		<u></u>
Total		<u>73,887,223</u>
Net appropriation for public works and highways		<u>\$ 0</u>
For eastern New Hampshire turnpike:		
Blue Star memorial highway:		
Operation:		
Personal services:		
Permanent	\$119,238	
Other	42,888	
Current expenses	105,406	
Travel:		
In state	1,950	
Equipment	3,125	
	<u></u>	
Total	\$ 272,607	
Maintenance:		
Personal services:		
Permanent	\$ 73,380	
Other	5,750	
Current expenses	105,815	
Travel:		
In state	700	
Equipment	6,895	
	<u></u>	
Total	192,540	
Debt service:		
Bonds maturing	\$350,000	
Interest on bonds	36,000	
	<u></u>	
Total	386,000	
	<u></u>	
Total for Blue Star memorial highway	\$ 851,147	
Spaulding turnpike:		
Operation:		
Personal services:		
Permanent	\$ 91,691	
Other	20,000	

Current expenses	102,416	
Travel:		
In state	1,575	
Equipment	1,975	
	<hr/>	
Total		\$ 217,657
Maintenance:		
Personal services:		
Permanent	\$ 75,243	
Other	6,883	
Current expenses	121,900	
Travel:		
In state	1,500	
Equipment	24,545	
	<hr/>	
Total		230,071
Debt service:		
Bonds maturing	\$540,000	
Interest on bonds	335,650	
	<hr/>	
Total		875,650
	<hr/>	
Total Spaulding turnpike		1,323,378
		<hr/>
Total for Eastern New Hampshire turnpike		\$ 2,174,525
Less estimated revenue		2,174,525
		<hr/>
Net appropriation		\$ 0
		<hr/>
For central New Hampshire turnpike:		
Operation:		
Personal services:		
Permanent	\$ 144,194	
Other	32,943	
Current expenses	172,614	
Travel:		
In state	2,300	
Equipment	3,475	
	<hr/>	
Total		\$ 355,526
Maintenance:		
Personal services:		
Permanent	\$ 149,273	
Other	7,960	
Current expenses	285,240	
Travel:		
In state	3,000	
Equipment	14,190	
	<hr/>	
Total		\$ 459,663
Debt service:		
Bonds maturing	\$ 740,000	

Interest on bonds	420,663	
	<hr/>	
Total		1,160,663
		<hr/>
Total for central New Hampshire turnpike		\$ 1,975,852
Less estimated revenue		1,975,852
		<hr/>
Net appropriation		\$ 0
		<hr/> <hr/>

480:2 Out of state travel. Notwithstanding any other provision of law, no transfers shall be made to or from any out of state travel appropriation authorized by section 1. The state treasurer and the state comptroller shall maintain separate appropriation accounts for out of state travel as appropriated in section 1.

480:3 Equipment. The individual appropriations provided for equipment in section 1 hereof shall not be transferred or expended for any other purpose.

480:4 Estimated federal funds. If under any appropriation in section 1 the federal grant received is less than estimated, the total appropriation shall be reduced by the amount of reduction in federal estimates and the applicable state matching funds.

480:5 Bond issue authorized. To provide funds for the purpose of construction and reconstruction of highways, the state treasurer is hereby authorized to borrow upon the credit of the state in a sum not exceeding four million dollars and for that purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The interest and principal due on bonds or notes issued under this section shall be a charge on the highway fund.

480:6 Continuing appropriation. The monies provided in section 5 hereof shall be a continuing appropriation and shall not lapse.

480:7 Effective Date. This act shall take effect July 1, 1970.

[Approved July 3, 1969.]

[Effective date July 1, 1970.]

CHAPTER 481.

AN ACT AMENDING THE HAWKERS AND PEDDLERS STATUTE TO INCLUDE HOME REPAIR SALESMEN.

Be it Enacted by the Senate and House of Representatives in General Court convened:

481:1 Definition of Hawkers and Peddlers Enlarged. Amend RSA 320:1 by striking out said section and inserting in place thereof the following: **320:1 Definition.** Except as hereinafter expressly provided, the terms "hawker" and "peddler" as used in this chapter shall mean and include any person, either principal or agent, who goes from town to town or from place to place in the same town selling or bartering, or carrying for sale or

barter or exposing therefor, any goods, wares or merchandise, or offers to perform personal services for household repairs or improvements. Without limiting the generality of the foregoing, the terms "hawker" and "peddler" shall mean and include any person, either principal or agent, who goes from town to town or from place to place in the same town soliciting and inducing any person to sign any contract relating to household repairs and improvements including contracts for the replacement or installation of siding on any residence or building.

481:2 Prohibition; Penalty Enlarged. Amend RSA 320:2 by striking out said section and inserting in place thereof the following: **320:2 Prohibition; Contracts Void; Penalty.** No hawker or peddler shall sell or barter or carry for sale or barter, or expose therefor, any goods, wares or merchandise, unless he holds a license so to do as herein provided. Any person violating this section shall be fined not more than two hundred dollars and the clerk of the district or municipal court shall deduct from said fine so collected by the court the amounts provided in RSA 502:14 or 502-A:8, and shall pay the balance to the town in which the offense was committed. Any contract relating to household repairs and improvements or for siding for any building or residence solicited by any person who has not obtained the license as herein provided for, shall be void and unenforceable, and any sale or barter of any goods, wares or merchandise by any such person shall be voidable. Provided further than any time before five o'clock in the afternoon, at the expiration of four business days, following the signing of any solicited home repair or home improvement installment contract of one hundred fifty dollars or more by the parties solicited or the owner, the parties solicited or the owner may serve a notice of cancellation upon the licensee or principal vendor.

481:3 License Fee; Surety Bond or Cash Deposit. Amend RSA 320:8 as amended by 1955, 185:3, by inserting at the end thereof the following (In addition to the payment of a license fee the applicant shall file a surety bond or deposit in cash a sum of not less than one thousand dollars with the secretary of state which shall be available for payment of any judgment recovered by the vendee or any compromise settlement effective between the vendor and vendee provided such judgment or settlement is on a contract involving an amount in excess of fifty dollars and the proper certificate issued to the secretary of state would constitute an order for payment of such sum. In the event that a corporation should apply for a license under the provisions of this act, the sum of one thousand dollars deposited with the secretary of state in cash or surety bond will be sufficient to cover its employees or agents who, however, will have to be individually licensed) so that said section as amended shall read as follows: **320:8 State Licenses.** Upon compliance with the conditions hereinafter set forth, and upon payment of a fee of ten dollars for the use of the state as a state license fee, the secretary of state may grant special state licenses. Applications for such licenses shall be made upon blanks prepared by the secretary of state requiring such information regarding the applicant's character and qualifications as said secretary shall deem pertinent. No such license shall be issued unless the application is accompanied by a certificate signed by the chief of police of some city in this state stating that the applicant for a

license is, to the best of his knowledge and belief, a person of good moral character, and is, or has declared his intention to become, a citizen of the United States. Any person so licensed may do business as a hawker or peddler in any city or town in this state, without further payments. In addition to the payment of a license fee the applicant shall file a surety bond or deposit in cash a sum of not less than one thousand dollars with the secretary of state which shall be available for payment of any judgment recovered by the vendee or any compromise settlement effective between the vendor and vendee provided such judgment or settlement is on a contract involving an amount in excess of fifty dollars and the proper certificate issued to the secretary of state would constitute an order for payment of such sum. In the event that a corporation should apply for a license under the provisions of this act, the sum of one thousand dollars deposited with the secretary of state in cash or surety bond will be sufficient to cover its employees or agents who, however, will have to be individually licensed.

481:4 Term; Transfer. Amend RSA 320:9 by striking out said section and inserting in place thereof the following: **320:9 Term; Transfer.** All licenses issued under the provisions of this chapter shall bear the date on which they are issued and shall continue in force for one year. Said licenses may not be transferred.

481:5 Public Inspection. Amend RSA 320:10 by striking out said section and inserting in place thereof the following: **320:10 Record.** The secretary of state shall keep records of all licenses issued by him with the number of each, the names and residences of the persons licensed and the sums received therefor, and all such records shall be open for public inspection.

481:6 Failure to Exhibit License. Amend RSA 320:12 by striking out said section and inserting in place thereof the following: **320:12 Endorsing; License; Exhibiting License.** Every person licensed as a hawker or peddler shall endorse his usual signature upon his license. When his license is demanded of him by a mayor, selectman, alderman, city or town clerk, sheriff or his deputy, any constable or police officer or the person to whom he sells or offers or exposes for sale his wares, he shall forthwith exhibit the same, and if he neglects or refuses to do so he shall be liable to the same penalty as if he had no license.

481:7 Approval of License Required. Amend RSA 320:13-a, as inserted by 1965, 166:1, by striking out the same and inserting in place thereof the following: **320:13-a Veterans' Conventions.** Licenses granted pursuant to the provisions of this chapter shall entitle a peddler or hawker to operate at meetings or conventions of recognized veterans' organizations, but only at such meetings or conventions with the specific approval of the organization concerned.

481:8 Revocation of Licenses. Amend RSA 320:14, as amended by 1955, 185:4, by striking out said section and inserting in place thereof the following: **320:14 Revocation of Licenses.** Any license granted by the secretary of state may be revoked by him after hearing (1) upon conviction of the licensee of any offense which in the judgment of the secretary of state warrants such revocation or (2) upon the submission to the secretary of state of evidence satisfactory to him that, during the term of the license,

and acting under cover thereof, the licensee has accepted or solicited money, otherwise than through a bona fide sale or barter of goods, wares or merchandise or has in any manner solicited alms from the public, or (3) upon a finding by him that the applicant has wilfully falsified his application for license or (4) upon consideration of evidence that the holder of said license is insane, a sexual psychopath, is or has been guilty of assault upon others or whose conduct has been otherwise disorderly and is of such violent or offensive demeanor that to permit him to retain such license would constitute a threat to the peace or safety of the public or (5) that the holder of said license is at large pending appeal from a conviction for a violation of the law involving extreme moral turpitude. Whenever any person is convicted of a violation of any provision of this chapter relative to hawkers and peddlers, the clerk of the court or the trial justice by whom such person was convicted, shall notify the secretary of state. Any person whose license has been revoked under this section shall be ineligible to be licensed as a hawker or peddler in this state for a period of not less than one year or more than five years from the date of said revocation. Any person whose license has been revoked, as a condition precedent to issuance of any new license, shall be required to furnish to the revoking authority satisfactory evidence of renewed reputation and character or mental health in addition to the certificate required to qualify for such license under section 8.

481:9 Instruments Prohibited. Amend RSA 320 by inserting after section 21 the following new sections:

320:21-a Certain Negotiable Instruments Prohibited. In a consumer credit sale or consumer lease, by a hawker or peddler, other than a sale or lease primarily for an agricultural purpose, the hawker or peddler may not take a negotiable instrument other than a check as evidence of the obligation of the buyer or lessee. A holder is not in good faith if he takes a negotiable instrument with notice that it is issued in violation of this section.

320:21-b When Assignee not Subject to Defenses. With respect to a consumer credit sale or consumer lease, by a hawker or peddler, other than a sale or lease primarily for an agricultural purpose, an assignee of the rights of the hawker or peddler is subject to all claims and defenses of the buyer or lessee against the hawker or peddler arising out of the sale or lease notwithstanding an agreement to the contrary, but the assignee's liability under this section may not exceed the amount owing to the assignee at the time the claim or defense is asserted against the assignee. Rights of the buyer or lessee under this section can only be asserted as a matter of defense to or set-off against a claim by the assignee.

481:10 Repeal. RSA 320:4, as amended by 1955, 185:1 relating to local licenses; RSA 320:5, relating to certificates; RSA 320:6, relating to local licenses; RSA 320:7 as amended by 1955, 185:2 relating to fees and RSA 320:13 relating to licenses, effective where, are hereby repealed.

481:11 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 482.

AN ACT PROVIDING, THAT UNDER THE ACCESS TO PUBLIC RECORDS STATUTE,
CERTAIN EXECUTIVE SESSIONS MUST BE OPEN TO THE PUBLIC.

Be it Enacted by the Senate and House of Representatives in General Court convened:

482:1 Meetings Open. Amend RSA 91-A:2 (supp) as inserted by 1967, 251:1 by striking out said section and inserting in place thereof the following: **91-A:2 Meetings Open to the Public.** All public proceedings shall be open to the public, and all persons shall be permitted to attend any meetings of those bodies or agencies. Minutes of all such meetings, including names of members, persons appearing before the bodies or agencies, and a brief description of the subject matter discussed and final decisions shall be promptly recorded and open to public inspection within seventy-two hours of the public meeting, except as provided by section 5 of this chapter, and shall be treated as permanent records of any body or agency, without exception. Except in an emergency, a notice of the time and place of each such meeting shall be posted in two appropriate public places or shall be printed in a newspaper of general circulation in the city or town at least twenty-four hours, excluding Sunday and legal holidays, prior to such meetings. An emergency shall mean a situation where immediate undelayed action is deemed to be imperative and the minutes of the meeting shall clearly spell out the need for the emergency meeting. If the charter of any city or guide lines set down by the appointing authority requires a broader public access to official meetings and records than herein described, such charter provisions or guide lines shall take precedence over the requirements of this chapter.

482:2 Executive Sessions. Amend RSA 91-A:3, I (supp) as inserted by 1967, by striking out said paragraph and inserting in place thereof the following: **I.** Nothing contained in this chapter shall be construed to prevent these bodies or agencies from holding executive sessions for conducting deliberations, but, subject to the provisions of paragraph II, all sessions at which information, evidence or testimony in any form is received shall be open to the public. Decisions made during any executive session as provided in paragraph II must be made available to the public at the termination of the session unless divulgence of the information would be likely to affect adversely the reputation of any person or impair the effectiveness of the action. No ordinances, orders, rules, resolutions, regulations, contracts, appointments or other official actions shall be finally approved in executive session except as provided in paragraph II. The record of all actions shall be available for public inspection promptly, except as provided for in paragraph II.

482:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 483.

AN ACT PERMITTING RESTAURANTS, HOTELS AND CLUBS HOLDING ON-SALE PERMITS
TO SELL BEVERAGES ON SUNDAYS.

*Be it Enacted by the Senate and House of Representatives in General Court
convened:*

483:1 Sunday Restrictions Removed. Amend RSA 176:11 (supp) as amended by 1963, 50:1, 1965, 50:1 and 1967, 315:2 by striking out said section and inserting in place thereof the following: **176:11 Rules and Regulations; Restrictions on Sales.** Said commission shall have the power to make all necessary and proper rules and regulations for carrying out the provisions hereof, and such rules and regulations shall have the effect of law. No sale of beverages shall be made on Sunday by reason of permits issued to manufacture beverages or to sell beverages to other permittees under the provisions of RSA 181:8 or RSA 181:9. Liquor or beverages shall not be sold in any establishment where booths that are not open at the end are used for serving patrons. Costumers may be erected and attached to the ends of booths. Such costumers shall be of such design and constructed in such manner as approved by the Commission.

483:2 Effective Date. This act shall take effect upon its passage.

[Approved July 3, 1969.]

[Effective date July 3, 1969.]

CHAPTER 484.

AN ACT TO AUTHORIZE TOWNS AND CITIES TO INCREASE
MOTOR VEHICLE PERMIT FEES.

*Be it Enacted by the Senate and House of Representatives in General Court
convened:*

484:1 Additional Fees. Amend RSA 260 by inserting after section 27-a the following new sections:

260:27-b Additional Fees. The governing bodies of towns and cities of a population greater than sixty thousand as determined by the last federal census, may subject to the provisions of section 27-c direct the city treasurer or the town clerk to collect in addition to the fees imposed in section 27 of this chapter, fees for such permits as follows: a sum not to exceed five mills on each dollar of the maker's list price for a motor vehicle manufactured in the current calendar year, a sum not to exceed four mills on each dollar of the maker's list price for a motor vehicle manufactured in the first preceding calendar year, a sum not to exceed three mills on each dollar of the maker's list price for a motor vehicle manufactured in the second preceding calendar year, a sum not to exceed two mills on each dollar of the maker's list price for a motor vehicle manufactured in the third preceding calendar year, and a sum not to exceed one mill on each dollar of the maker's list price for a motor vehicle manufactured in the fourth preceding calendar year and any calendar year prior thereto. In no event, however, shall the fee be less than one dollar. The director of

motor vehicles shall make the final determination of year of manufacture of a motor vehicle in any case in which a dispute arises. All fees collected under this section shall be used for the construction, operation and maintenance of public parking facilities as provided in RSA 252-A.

260:27-c — Optional Referendum; Two-thirds Vote of Governing Body.

I. Optional Referendum. If the governing body of a town or city wishes to place the question of whether or not to collect the fees imposed by section 27-b on a referendum to be voted upon at any regular municipal election or at a special election called for the purpose, they may do so. Should a referendum be held, the following question shall be submitted "Shall the governing body of this municipality be instructed to adopt provisions calling for additional motor vehicle permit fees to be used for the construction of public parking facilities?" The governing body shall be bound by the outcome of the referendum.

II. Two-thirds Vote of Governing Body. If the governing body of a town or city decides not to hold the referendum pursuant to paragraph I, a two-thirds vote of the entire membership of the governing body shall be necessary in order to collect the fees imposed by section 27-b.

484:2 Foreign Cars. Amend RSA 260:27-a by inserting in line two after the figure "27" the following (and 27-b) so that said section as amended shall read as follows: **260:27-a Foreign Cars.** The phrase "maker's list price" as used in section 27 and 27-b, in the case of motor vehicles of foreign manufacture, shall mean the advertised port of entry retail list price, less the manufacturer's motor vehicle excise tax imposed by the United States if said motor vehicle excise tax is included in the advertised port of entry retail list price, at New York, New York, regardless of the actual port through which said motor vehicle entered the United States.

484:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 485.

AN ACT AMENDING THE DEFINITION OF UNINSURED MOTOR VEHICLE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

485:1 Three Year Limit. Amend RSA 268:15-a, III, (supp), as inserted by 1967, 284:2, by striking out in lines six and seven the words "one year" and inserting in place thereof the following (three years) so that said paragraph, as amended, shall read as follows:

III. An insurer's extension of coverage, as provided in paragraph II, shall be applicable only to accidents occurring during a policy period in which its insured's uninsured motor vehicle coverage is in effect and where the liability insurer of the tort-feasor has been declared to be in-

solvent by a court of competent jurisdiction as of the accident date, or has been declared to be insolvent by a court of competent jurisdiction within three years after the accident date. Nothing herein contained shall be construed to prevent any insurer from extending coverage under terms and conditions more favorable to its insureds than is provided hereunder.

485:2 Uninsured Motor Vehicle. Amend RSA 268:15-a (supp) as inserted by 1967, 284:2 by inserting after paragraph IV thereof the following new paragraph:

V. For the purpose of the coverage required by this section the term "uninsured vehicle" shall also include an insured motor vehicle if and to the extent that, at the time of the subject accident, the limits of liability insurance carried as to such motor vehicle are lower than the minimum limits applicable to motor vehicle liability insurance policies issued pursuant to the laws of New Hampshire.

485:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 486.

AN ACT RELATIVE TO REDISTRICTING THE CONGRESSIONAL DISTRICTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

486:1 Congressional Districts. Amend RSA 63:5 by striking out said section and inserting in place thereof the following:

63:5 Constitution of Districts. The districts shall be formed and limited in manner following: The counties of Strafford, Belknap and Carroll, and the towns of Atkinson, Auburn, Brentwood, Candia, Chester, Danville, Deerfield, Derry, East Kingston, Epping, Exeter, Fremont, Greenland, Hampstead, Hampton, Hampton Falls, Kensington, Kingston, Londonderry, New Castle, Newfields, Newington, Newmarket, Newton, North Hampton, Northwood, Nottingham, Plaistow, Portsmouth, Raymond, Rye, Sandown, Seabrook, South Hampton, Stratham, and Windham in the county of Rockingham; and the towns of Canterbury, Chichester, Epsom, Hooksett, Loudon, Northfield and Pittsfield in the county of Merrimack; and Bedford, Goffstown, Litchfield, and Manchester in the county of Hillsborough and shall constitute the first district.

The counties of Cheshire, Sullivan, Grafton and Coos, and the towns of Allenstown, Andover, Boscawen, Bow, Bradford, Concord, Danbury, Dunbarton, Franklin, Henniker, Hill, Hopkinton, Newbury, New London, Pembroke, Salisbury, Sutton, Warner, Webster and Wilmot in the county of Merrimack; and Amherst, Antrim, Bennington, Brookline, Deering, Francetown, Greenfield, Greenville, Hancock, Hillsborough, Hollis, Hudson, Lyndeborough, Mason, Merrimack, Milford, Mont Vernon, Nashua, New Boston, New Ipswich, Pelham, Peterborough, Sharon, Temple, Weare,

Wilton, and Windsor in the county of Hillsborough; and Salem in the county of Rockingham, shall constitute the second district.

486:2 Effective Date. This act shall take effect on July 1, 1970 for elections held after that date.

[Approved July 3, 1969.]

[Effective date July 1, 1970 for elections held after that date.]

CHAPTER 487.

AN ACT REGULATING THE WRITING, CANCELLATION, OR REFUSAL TO RENEW POLICIES OF AUTOMOBILE INSURANCE; AND IMPOSING POWERS AND DUTIES ON THE INSURANCE COMMISSIONER;

Be it Enacted by the Senate and House of Representatives in General Court convened:

487:1 New Chapter. Amend RSA by inserting after chapter 417 the following new chapter:

Chapter 417-A

Refusal to Issue, Cancellation and Refusal to Renew

417-A:1 Definitions. As used in this chapter the following definitions shall apply:

I. "Policy of automobile insurance" means a policy delivered or issued for delivery in this state insuring a natural person as named insured or one or more related individuals resident of the same household, and under which the insured vehicles therein designated are of the following types only: (i) a motor vehicle of the private passenger or station wagon type that is not used as a public or livery conveyance for passengers and is not rented to others; or (ii) any other four-wheel motor vehicle with a gross weight not exceeding nine thousand pounds which is not principally used in the occupation, profession or business of the insured other than farming: Provided, however, that this chapter shall not apply to any policy issued under an automobile assigned risk plan, nor to any policy insuring more than four automobiles, nor to any policy covering garage, automobile sales agency repair shop, service station or public parking place operation hazards.

II. "Renewal" or "to renew" means the issuance and delivery by an insurer of a policy superseding at the end of the policy period a policy previously issued and delivered by the same insurer, such renewal policy to provide types and limits of coverage at least equal to those contained in the policy being superseded, or the issuance and delivery of a certificate or notice extending the term of a policy beyond its policy period or term with types and limits of coverage at least equal to those contained in the policy being extended: Provided, however, that any policy with a policy period or term of less than twelve months or any period with no fixed expiration date shall for the purpose of this chapter be considered as if written for successive policy periods or terms of twelve months.

III. "Insurer" means any insurance company, association or exchange authorized to issue policies of automobile insurance in the state of New Hampshire.

IV. "Nonpayment of premium" means failure of the named insured to discharge when due any of his obligations in connection with the payment of premiums on a policy, or any installment of such premium, whether the premium is payable directly to the insurer or its agent or indirectly under any premium finance plan or extension of credit.

417-A:2 Application of Chapter.

I. Automobile Policies. This chapter shall apply to that portion of policies of automobile insurance providing bodily injury and property damage liability, comprehensive, and collision coverages and to the provisions therein, if any, relating to medical payments and uninsured motorists coverage, which take effect subsequent to the effective date of this chapter.

417-A:3 Cancellation, Refusal, Refusal to Renew, Insufficient Grounds. No insurer shall cancel or refuse to renew a policy of automobile insurance on any person with at least two year's driving experience solely because of the age, residence, race, color, creed, national origin, ancestry or lawful occupation (including the military service) of anyone who is or seeks to become insured or solely because another insurer has refused to write a policy, or has cancelled or has refused to renew an existing policy in which that person was the named insured.

417-A:4 Cancellation, Grounds. No insurer, after a policy has been in effect for sixty days, or if a policy is a renewal, effective immediately, shall cancel a policy except for one or more of the following reasons:

I. An automobile policy:

- (a) nonpayment of premium;
- (b) the driver's license or motor vehicle registration of either the named insured or of any other operator who resides in the same household as the named insured and customarily operates a motor vehicle insured under the policy has been under suspension or revocation during the policy period;
- (c) specific request of the insured.

417-A:5 Cancellation, Refusal to Renew, Notice. No cancellation or refusal to renew by an insurer of a policy of automobile insurance shall be effective unless the insurer shall deliver or mail, to the named insured at the address shown in the policy a written notice of the cancellation or refusal to renew. Such notice shall:

I. Be approved as to form by the insurance commissioner prior to use;

II. State the date, not less than forty-five days after the date of such mailing or delivering on which such cancellation or refusal to renew shall become effective, except that such effective date may be ten days from the date of mailing or delivery when the policy is being cancelled or not renewed for nonpayment of premium;

III. State the specific reason or reasons of the insurer for cancellation or refusal to renew or be accompanied by a statement that upon written request of the named insured, mailed or delivered to the insurer not less than ten days prior to the effective date of cancellation or refusal to renew, the insurer will specify the reason or reasons for such cancellation, or refusal to renew. The insurer shall supply such information within five days of receipt by it of such request.

IV. Advise the insured of his right to request in writing, within ten days of the receipt of the notice of cancellation or intention not to renew, or of the receipt of the reason or reasons for the cancellation or refusal to renew if they were not stated in the notice of cancellation or of intention not to renew, that the insurance commissioner review the action of the insurer;

V. In case of an automobile policy either in the notice or in an accompanying statement advise the insured of his possible eligibility for insurance through the automobile assigned risk plan.

417-A:6 Liability for Giving Information. There shall be no liability on the part of and no cause of action of any nature shall arise against the insurance commissioner, any insurer, the authorized representatives, agents and employees of either or any firm, person or corporation furnishing to the insurer information as to reasons for cancellation or refusal to write or renew for any statement made by any of them in complying with this chapter or for the providing of information pertaining thereto.

417-A:7 Review Request; Reasons for Refusal.

I. Any insured may within ten days of the receipt by the insured of notice of cancellation or notice of intention not to renew, or of the receipt of the reason or reasons for the cancellation or refusal to renew if they were not stated in the notice, request in writing to the insurance commissioner that he review the action of the insurer in cancelling or refusing to renew the policy of such insured.

II. Any applicant for a policy who is refused such policy by an insurer may in writing within ten days of notice of such refusal request the insurer to supply the reasons for such refusal. The insurer shall supply such reasons within five days of receipt by it of such request. Within ten days of the receipt of such reasons, the applicant may request in writing to the insurance commissioner that he review the action of the insurer in refusing to write a policy for the applicant.

417-A:8 Review Procedure; Termination of Policy. On receipt of a request for review, the insurance commissioner or his designated representative shall notify the insurer thereof and shall review the matter to determine whether the cancellation or refusal to renew or to write was in violation of this chapter, and shall within sixty days of the receipt of such request either order the policy written or reinstated or uphold the cancellation or refusal to renew. In the case of a cancellation of or refusal to renew a policy, such policy shall remain in effect until the conclusion of such review by the insurance commissioner or the date referred to in paragraph II of section 5 of this chapter, whichever is later, except for appeals from

cancellations due to nonpayment of premiums, in which case the policy shall terminate as of the date provided in the notice under paragraph II of section 5 unless the appeal is upheld or the policy reinstated.

417-A:9 Rules and Regulations; Review Fee; Appeal from Review. The insurance commissioner shall promulgate rules and regulations necessary for the administration of this chapter. The commissioner may provide in such rules and regulations for the establishment of a filing fee not exceeding fifteen dollars to accompany the request for review. Should the insurance commissioner decide the appeal in favor of the insured, the filing fee shall be returned immediately and the fee shall be paid by the insurer. The policy in question shall remain in effect during the pendency of any appeal taken by the insurer pursuant to RSA 541. Should the commissioner find for the insurer, the policy in question shall be suspended and inoperative during the pendency of any appeal taken by the insured pursuant to RSA 541.

417-A:10 Penalty; Severability; Records.

I. Failure by an insurer to comply with any order of the insurance commissioner or his designated representatives issued pursuant to this chapter shall subject an insurer to a fine not exceeding five hundred dollars in the discretion of the insurance commissioner, and suspension or revocation of such insurer's license.

II. If any provisions or clause of this chapter or application thereof to any person or situation is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or application, and to this end the provisions of this chapter are declared to be severable.

III. The insurance commissioner may require that each insurer shall maintain records of the numbers of cancellations and refusals to write or renew policies and the reasons therefor and shall supply to the insurance commissioner such information as he may request.

487:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 488.

**AN ACT RELATIVE TO REGISTRATION AND OPERATION OF
SNOW TRAVELING VEHICLES.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

488:1 New Chapter. Amend RSA by inserting after chapter 269-A (supp) as inserted by 1967, 357:1, the following new chapter:

Chapter 269-B
Snow Traveling Vehicles
Registration and Operation

269-B:1 Definitions.

I. "Commissioner" shall mean the commissioner of safety.

II. "Snow traveling vehicle" shall mean any vehicle propelled by mechanical power that is designed to travel over ice or snow supported in part by skis, belts or cleats, or low pressure tires.

III. Operate. The verb "to operate" in all its moods and tenses when it refers to a snow traveling vehicle means to use that vehicle in any manner for transportation.

269-B:2 Registration.

I. Except as otherwise provided, no snow traveling vehicle shall be operated in the state unless registered as provided in this chapter. No registration shall be required for a snow traveling vehicle operated solely on land owned or leased by the owner of the snow traveling vehicle. The commissioner or his duly authorized representative is authorized to register a snow traveling vehicle, issue a registration certificate, and assign a registration number plate or set of plates to such vehicle. All such registrations shall expire June thirtieth in each year. The commissioner shall collect a fee for each registration as provided in section 8.

II. A snow traveling vehicle, owned by a person resident in another state, shall be deemed to be properly registered for the purposes of this chapter if it is registered in accordance with the laws of the state in which its owner resides, but only to the extent that a reciprocal exemption or privilege is granted under the laws of that state for snow traveling vehicles registered in this state. For the purpose of this section, the commissioner shall determine the extent of the privilege of operation granted by other states and his determination shall be final.

269-B:3 Racing. No snow traveling vehicle brought into this state for the purpose of taking part in a race or other contest, which has not been in the state in excess of ten days, shall be required to be registered as provided herein if the commissioner shall have issued a special permit authorizing it to be used for racing or contest purposes.

269-B:4 Issuing Agents; Fees. If any registration is issued for the commissioner by one of his duly authorized agents not on the payroll of the commissioner, such agent shall collect from the registrant a fee of fifty cents in addition to the fee prescribed by section 8 of this chapter. Each application for registration of a snow traveling vehicle shall have printed thereon the words and figures, "agent's fee \$.50". Such agent shall retain said additional fee as compensation for his services in connection with the issuance of such registration.

269-B:5 Display and Inspection. The registration certificate shall be subject to inspection on demand by any officer authorized to enforce this registration number assigned to any such vehicle shall be displayed on the vehicle at all times in such form and manner as prescribed by the commissioner.

269-B:6 Dealers. Any person who is in the business of selling snow traveling vehicles shall register as a dealer with the commissioner. The commissioner shall assign a distinguishing number to the registrant and issue appropriate registration plates to him.

269-B:7 Rental Plates Any person may make application to the commissioner to engage in the business of renting snow traveling vehicles. The commissioner shall assign a distinguishing number to the applicant and issue to him appropriate registration plates which shall be transferable between snow traveling vehicles owned by the registrant and used by him for rental.

269-B:8 Registration Fees. The fees to be collected by the commissioner under this chapter are as follows:

I. Individual resident registration — nine dollars for each registration.

II. Individual nonresident registration — nine dollars for each registration.

III. Dealer registration — ten dollars for each plate or set of plates; rental plates — ten dollars for each plate or set of plates.

IV. Registration after transfer as provided in section 10 of this chapter — two dollars.

From each registration fee collected pursuant to paragraph I, four dollars shall be transferred to the state fish and game department, and five dollars shall be transferred to the general fund. All other registration fees collected under this section shall be transferred to the general fund.

269-B:9 Vehicle Exempt From Fee. Snow traveling vehicles owned and operated in this state by the federal government, the state or any political subdivision of the state shall be exempt from registration fees, but such vehicles shall be registered with a permanent plate or set of plates and certificate in such a manner as the commissioner may require.

269-B:10 Transfer. A person who transfers the ownership of a snow traveling vehicle may register in his name another snow traveling vehicle for the remainder of the registration year at a reduced fee as provided in section 8 (IV) of this chapter.

269-B:11 Operation, License.

I. No person under twelve years of age shall operate a snow traveling vehicle unless he is on land owned or leased by him or his parents or guardians, or unless he has the permission of the landowner on whose premises he is operating, or unless he is accompanied by an adult who shall be liable according to law for personal injury or property damage to others which may result from such operation.

II. A person will not need a license to operate a snow traveling vehicle unless he operates upon or across a public highway or any portion thereof, in which case said person must be at least sixteen years of age and be licensed to operate a vehicle in accordance with the provisions of RSA 261, or if he is a nonresident of this state he must be at least sixteen years

of age and be duly licensed to operate a motor vehicle in the state of his residence.

III. (a) It is unlawful to operate any snow traveling vehicle except at a reasonable and prudent speed for the existing conditions.

(b) It is unlawful to operate any snow traveling vehicle so as to endanger any person or damage any property.

(c) It is unlawful to operate any snow traveling vehicle while under the influence of intoxicating liquor or a narcotic or hallucinogenic drug.

(d) It is unlawful to operate any snow traveling vehicle during the period one-half hour after sunset to one-half hour before sunrise without displaying at least one lighted headlight and one lighted taillight.

(e) No person shall carry a firearm on a snow traveling vehicle unless said firearm is unloaded and in a case or holster. This section shall not apply to a law enforcement officer carrying firearms in the course of duty.

IV. Registration of a snow traveling vehicle does not constitute a license to operate said vehicle on private land. Any person operating a snow traveling vehicle upon the land of another shall stop and identify himself upon the request of the landowner or his duly authorized representative, and, if requested to do so by said landowner or his duly authorized representative, shall promptly remove said snow traveling vehicle from the premises.

269-B:12 Equipment. A snow traveling vehicle shall be equipped with at least one but not more than two headlights, one or more rear tail-lights, all in working order, brakes in good mechanical condition, and an efficient muffler.

269-B:13 Authority Under Registration.

I. No person shall operate a snow traveling vehicle upon or across any portion of the interstate highway system, toll roads, or limited access highways of this state, including the limits of the right-of-way thereto.

II. No person shall operate a snow traveling vehicle upon the main traveled portion, or the plowed snow banks, of any other public highway or upon the sidewalks adjacent to such highways, except for loading and unloading from another vehicle, with the following exceptions:

(a) **Crossing Highways.** Properly registered snow traveling vehicles may cross such public highways as directly as possible, preferably at right angles, provided that such crossing can be made in safety and does not interfere with the free movement of vehicular traffic approaching from either direction on such public highways. It shall be the responsibility of the operator of a snow traveling vehicle to yield the right of way to all vehicular traffic upon any public way before crossing same.

(b) **Adjacent to a Public Highway.** Whenever it is impracticable to gain immediate access to an area adjacent to a public highway where a snow traveling vehicle is to be operated, said snow traveling vehicle may be operated adjacent and parallel to such public highway for the purpose of gaining access to the area of operation. This paragraph shall apply to the

operation of a snow traveling vehicle from the point where the same is unloaded from motorized conveyance to the area where the snow traveling vehicle is to be operated, or from the area where operated to a motorized conveyance when such loading and unloading cannot be effected in the immediate vicinity of the area of operation without causing a hazard to vehicular traffic approaching from either direction on said highway. Such loading or unloading must be accomplished with due regard to safety, at the nearest possible point to the area of operation.

(c) During the period beginning one-half hour before sunrise and ending one-half hour after sunset a person may operate a snow traveling vehicle on the right-of-way portion of such public highways, exclusive of the main traveled portion and the plowed snow banks.

III. Notwithstanding anything herein contained, a person may operate a snow traveling vehicle on a public highway that is not maintained for winter use by conventional motor vehicles.

IV. When travel by conventional motor vehicles is not possible during a period of emergency declared by the appropriate authority having jurisdiction, a snow traveling vehicle may be operated on any portion of an interstate highway, toll road, limited access highway, or public highway whatsoever, provided that the operator of said vehicle has received the specific authority of an enforcement officer to so operate.

V. No person shall operate a snow traveling vehicle within the limits of any railroad right of way or upon any airport runway or landing field, except in an emergency period as set forth in subparagraph IV hereof.

269-B:14 State Parks. All state parks, so far as possible, and consistent with their primary function, shall be made available for use by snow traveling vehicles subject to the fees, rules and regulations as established by the director of the division of parks with the approval of the commissioner of resources and economic development.

269-B:15 Financial Responsibility and Conduct After an Accident. All provisions, including the penalties, suspensions and prohibitions of the New Hampshire financial responsibility law, and the provisions of statutes relative to the operation of a motor vehicle, shall apply to snow traveling vehicles being operated upon a public highway. The operator of a snow traveling vehicle involved in an accident resulting in death or injury to a person or damage to property in excess of fifty dollars if the snow traveling vehicle is uninsured, or damage to property in excess of one hundred dollars if the snow traveling vehicle is insured, the owner of said snow traveling vehicle having knowledge of the accident should the operator of same be incapacitated, shall, within five days, file a report of said accident with the commissioner in such form as he shall prescribe.

269-B:16 Administration. The commissioner shall administer this chapter and he is hereby authorized to adopt and amend such rules and regulations as are consistent with the provisions of this chapter that he deems necessary or advisable to carry out the intent and purposes of this chapter with regard to (a) administrative procedures, (b) safety equipment, (c) temporary registrations, (d) the safety of operators, passengers and other persons, (e) the protection of property.

The adoption or amendment of such rules and regulations shall be subject to the following procedure:

I. The commissioner shall hold a public hearing on said proposed rules and regulations and publish the time, place, location, and substance of said hearing in a public newspaper of statewide circulation at least seven days prior to said hearing.

II. After said hearing he shall publish the adopted or amended rules and regulations in such a public newspaper, with an effective date for same.

The provisions of this chapter, any rules and regulations adopted by the commissioner, and any other information he deems feasible, shall be printed by the commissioner in booklet form and made available to the public.

269-B:17 Regulation by Other Political Subdivisions. Any town or city may regulate the operation of snow traveling vehicles within its limits, providing its ordinance does not conflict with the provisions of this chapter.

269-B:18 Enforcement. The provisions of this chapter shall be enforced by all duly authorized representatives of the state division of safety services and by every police and law enforcement officer including, but not limited to, conservation officers of the fish and game department, members of the state police, sheriffs, deputy sheriffs, policemen, and constables. Such conservation officers shall have primary responsibility for its enforcement in areas outside the settled parts of towns and cities and beyond the right-of-way limits of public highways; and for the purpose of enforcing the provisions of this chapter, they shall have all the powers of peace officers under RSA 594.

269-B:19 Penalties. Unless otherwise provided, any person who violates this chapter or any rule or regulation relating thereto shall be punished by a fine of not less than ten dollars nor more than one hundred dollars for each offense. In addition thereto, the operator and/or owner of any snow traveling vehicle shall be responsible and held accountable to the owner of any lands where trees, shrubs, or other property have been damaged as a result of travel over their premises by such vehicle. The commissioner may revoke, after a hearing, the registration of any snow traveling vehicle registered in the name of any person who violates this chapter or any rule or regulation relating thereto.

269-B:20 Carrying of Firearms. No person shall carry on a snow traveling vehicle any firearm unless said firearm is unloaded and in a case or holster. This section shall not apply to law enforcement officers carrying firearms in the course of duty.

488:2 Exemption from Inspection. Amend RSA 260:14 as amended by 1965, 240:6 and 1969, 84:1 and 291:1 by striking out the same and inserting in place thereof the following: **260:14 Inspection Authorized.** The director may require the inspection of any motor vehicle, trailer, or semi-trailer, except a snow traveling vehicle as defined in chapter 269-B, to determine whether it is fit to be operated. Such inspection shall be made at such times and in such manner as the director may specify; provided

that all motor vehicles, trailers and semi-trailers registered under this chapter shall be inspected every six months with the first such inspection being required during the month in which the birth date of the owner is observed, if the owner is a private individual. If the owner is a company or corporation or other than a private individual the first inspection shall be made during the month of April and the second inspection shall be made during the month of October, provided, however, that newly registered vehicles and vehicles the ownership of which has been transferred shall have a period of ten days from registration or transfer of ownership in which to have said vehicle inspected. The director may authorize properly qualified persons to make inspections without expense to the state at stations designated by him, and may at any time revoke such authorization or designation, provided, however, that inspections conducted at such stations at the request and under the direction of a law enforcement agent or a safety inspector shall be paid for as follows: (a) in the event violations of this section are uncovered, by the owner of the vehicle or (b) in the event no such violations are uncovered, by the agency represented by the agent or inspectors. The annual fee to be paid by the inspection station upon authorization set forth herein shall be fifteen dollars and shall not be refundable.

488:3 Exemption from Certificate of Title. Amend RSA 269-A:2, I (supp) as inserted by 1967, 357:1 by adding at the end thereof the following: (i) a snow traveling vehicle as defined in chapter 269-B.

488:4 Exemption from Municipal Permits. Amend RSA 260:23 as amended by 1961, 41:2 and 1963, 62:1 by inserting in line four after the word "commission" the following (Snow traveling vehicles as defined in chapter 269-B) so that said section as amended shall read as follows:
260:23 Scope of Term "Motor Vehicle". The words motor vehicle as used in this subdivision shall include all trailers and semi-trailers as defined in chapter 259 and travel trailers as determined by the state tax commission. Snow traveling vehicles as defined in chapter 269-B, mobile homes and house trailers shall not be included in the term motor vehicle as defined herein.

488:5 Repeal. RSA 262:46 through 58 (supp), as inserted by 1967, 450:1 and amended by 1969, 50:1 relative to registration and operation of snow traveling vehicles; and RSA 262:55-a (supp) as inserted by 1969, 198:2 relative to the carrying of firearms, are hereby repealed.

488:6 Effective Date. This act shall take effect sixty days after its passage, except that if any snow traveling vehicle is legally registered on the date of passage of this act, such registration shall remain effective until the following June thirtieth.

[Approved July 3, 1969.]

[Effective date September 1, 1969, except that if any snow traveling vehicle is legally registered on the date of passage of this act, such registration shall remain effective until the following June thirtieth.]

CHAPTER 489.

AN ACT PROVIDING FOR THE ACQUISITION OF CERTAIN DAMS AND WATER RIGHTS ON NORTH RIVER POND IN THE TOWN OF NOTTINGHAM AND ON THE OUTLET OF ANGLE POND IN THE TOWN OF SANDOWN AND INCREASING THE FEE FOR REGISTRATION OF BOATS AND OUTBOARD MOTORS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

489:1 New Chapter. Amend RSA by inserting after chapter 482-C the following new chapters:

Chapter 482-D**Acquisition of a Certain Dam and Water Rights**

482-D:1 Acquisition Authorized. For a consideration of one dollar the New Hampshire water resources board is hereby authorized to accept conveyance from the towns of Barrington, Northwood, and Nottingham the following described property for the purpose of improving and controlling certain water rights for the benefit of the state: Dam on North River Pond situated in the town of Nottingham, water rights, land, and other facilities connected therewith.

482-D:2 Repairs, etc. Said board after said acquisition shall from time to time make repairs and modifications to said dam so acquired or rebuild as the case may be so as to best serve the interests of the state.

482-D:3 Tax Exemption. The properties hereby authorized to be acquired by the water resources board for the benefit of the state shall be exempt from taxation as long as said properties are held by the state.

Chapter 482-E**Acquisition of a Certain Dam and Water Rights**

482-E:1 Acquisition Authorized. For a consideration of one dollar the New Hampshire water resources board is hereby authorized to accept conveyance from the owner of the following described property for the purpose of improving and controlling certain water rights for the benefits of the state: Dam at the outlet of Angle Pond in the town of Sandown, water rights, land, and other facilities connected therewith.

482-E:2 Repairs, etc. Said board after said acquisition shall from time to time make repairs and modifications to said dam so acquired or rebuild as the case may be so as to best serve the interests of the state.

482-E:3 Tax Exemption. The properties hereby authorized to be acquired by the water resources board for the benefit of the state shall be exempt from taxation as long as said properties are held by the state.

489:2 Additional Fee. Amend RSA 270:5 (supp) as amended by 1959, 53:2 and 1967, 360 by inserting after paragraph VI the following new paragraph: VII. Additional Registration Fees. There shall be paid to said director in addition to the fees required by paragraphs III and IV an additional fee of one dollar for each registration required by said paragraphs. The director of the division of motor vehicles shall pay over said additional fees to the state treasurer who shall keep said fees in a special

fund to be expended by the water resources board for the repair and maintenance of all dams under the jurisdiction of said board; provided, however, that no such expenditure shall be made by the water resources board without prior specific legislative authorization. The water resources board shall present to each regular session of the legislature during the first week of the session proposals and requests for all work to be done during the ensuing biennium.

489:3 Expenditure Authorized. The water resources board is hereby authorized to expend a sum of money not to exceed twenty-two thousand five hundred dollars for use in acquiring, repairing and maintaining the dam on North River Pond in the town of Nottingham and the dam at the outlet of Angle Pond in the town of Sandown which shall be a charge against the fund established in RSA 270:5, VII.

489:4 Effective Date. This act shall take effect upon its passage.

[Approved July 3, 1969.]

[Effective date July 3, 1969.]

CHAPTER 490.

AN ACT TO EMPOWER THE ROCKINGHAM COUNTY CONVENTION TO SET
THE SALARIES OF CERTAIN COUNTY OFFICERS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

490:1 Rockingham County Attorney. Amend RSA 7:35, VIII (supp) as inserted by 1969, 30:1 by striking out said paragraph.

490:2 Rockingham County Attorney's Salary to be Set by County Convention. Amend RSA 7 by inserting after section 35-b (supp) the following new section: **7:35-c Rockingham County Attorney.** The annual salary of the Rockingham county attorney shall be set by the Rockingham county convention, upon recommendation of the executive committee, at an annual rate which shall not be less than seventy-five hundred dollars nor more than ten thousand dollars.

490:3 Rockingham County Commissioners. Amend RSA 28:28, VIII, (supp) as inserted by 1969, 30:3 by striking out said paragraph.

490:4 Rockingham County Commissioners' Salary to be Set by County Convention. Amend RSA 28 by inserting after section 28-b (supp) the following new section: **28:28-c Rockingham County Commissioners.** The annual salary of the Rockingham county commissioners shall be set by the Rockingham county convention upon recommendation of the executive committee at an annual rate which shall not be less than thirty-five hundred dollars, nor more than five thousand dollars.

490:5 Rockingham County Sheriff. Amend RSA 104:29, II, (supp) as amended by 1967, 242:1 by striking out said paragraph and inserting in place thereof the following: **II.** In Rockingham the annual salary of the sheriff shall be set by the Rockingham County Convention, upon recommendation of the executive committee, at an annual rate which shall not

be less than ninety-five hundred dollars, nor more than twelve thousand dollars. Said salary shall be payment in full for all his services to the county. The county shall provide him with suitable transportation and he shall not be allowed the established rates for mileage allowable to other sheriffs. He shall be allowed reasonable expenses incurred during the performance of his duties and such expense shall be subject to the approval of a justice of the superior court. For the service of civil writs and other process which he may perform he shall collect the usual fees allowed for such services and mileage and shall pay over directly to the county treasurer all such fees and mileage charges at the end of each month. He shall in his annual report to the county commissioners report the number of civil writs and other process served and the total amounts collected in fees and mileage charges paid over to the treasurer during the calendar year.

490:6 Rockingham County Register of Deeds. Amend RSA 478:19, as amended by 1963, 201:1 by striking out said section and inserting in place thereof the following: **478:19 Salary.** The register of deeds for Rockingham county shall receive an annual salary to be set by the Rockingham County Convention, upon recommendation of the executive committee, at a rate which shall not be less than eighty-five hundred dollars, nor more than eleven thousand dollars which shall be paid by the county of Rockingham.

490:7 Rockingham County Treasurer. Amend RSA 29:14, VIII, (supp) as inserted by 1969, 30:2 by striking out said paragraph.

490:8 Rockingham County Treasurer's Salary to be Set by County Convention. Amend RSA 29 by inserting after section 14-b (supp) the following new section: **29:14-c Rockingham County Treasurer.** The annual salary of the Rockingham county treasurer shall be set by the Rockingham county convention, upon recommendation of the executive committee, at an annual rate which shall not be less than fifteen hundred dollars nor more than two thousand dollars.

490:9 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 491.

AN ACT EMPOWERING THE GRAFTON COUNTY CONVENTION TO SET THE SALARIES OF CERTAIN COUNTY OFFICERS AND SETTING THE FEES FOR MEMBERS OF SAID CONVENTION FOR ATTENDANCE AT MEETINGS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

491:1 Grafton County Attorney. Amend RSA 7:35, V, (supp) as inserted by 1969, 30:1 by striking out said paragraph.

491:2 Grafton County Attorney's Salary to Be Set by County Convention. Amend RSA 7 by inserting after section 35-a (supp) the following

new section: **7:35-b Grafton County Attorney.** The annual salary of the Grafton county attorney shall be set by the Grafton County Convention, upon recommendation of the executive committee.

491:3 Grafton County Commissioners. Amend RSA 28:28, V (supp) as inserted by 1969, 30:3 by striking out said paragraph.

491:4 Grafton County Commissioners' Salary to Be Set by County Convention. Amend RSA 28 by inserting after section 28-a (supp) the following new section: **28:28-b Grafton County Commissioners.** The annual salary of the Grafton county commissioners shall be set by the Grafton County Convention, upon recommendation of the executive committee.

491:5 Grafton County Sheriff. Amend RSA 104:29, V (supp) as inserted by 1965, 263:1 by striking out said paragraph and inserting in place thereof the following: **V.** In Grafton, the annual salary of the sheriff shall be set by the Grafton County Convention, upon recommendation of the executive committee, and shall be payable in twelve monthly installments. Said salary shall be payment in full for all his services to the county. The county shall provide him with suitable transportation and he shall not be allowed the established rates for mileage allowable to other sheriffs. He shall be allowed reasonable expenses incurred during the performance of his duties and such expenses shall be subject to the approval of a justice of the superior court. For the service of civil writs and other process which he may perform he shall collect the usual fees allowed for such services and mileage and shall pay over directly to the county treasurer all such fees and mileage charges at the end of each month. He shall in his annual report to the county commissioners report the number of civil writs and other process served and the total amounts collected in fees and mileage charges paid over to the treasurer during the calendar year.

491:6 Grafton County Register of Deeds. Amend RSA 478:22 by striking out said section and inserting in place thereof the following: **478:22 Compensation.** The register of deeds for Grafton county shall be paid an annual salary, which shall be set by the Grafton County Convention, upon recommendation of the executive committee, and which shall be paid in equal monthly installments.

491:7 Grafton County Treasurer. Amend RSA 29:14, V (supp) as inserted by 1969, 30:2 by striking out said paragraph.

491:8 Grafton County Treasurer's Salary to Be Set by County Convention. Amend RSA 29 by inserting after section 14-a (supp) the following new section: **29:14-b Grafton County Treasurer.** The annual salary of the Grafton county treasurer shall be set by the Grafton County Convention, upon recommendation of the executive committee.

491:9 Grafton County Convention. Amend RSA 24 by inserting after section 9-e (supp) the following new section: **24:9-ee Grafton County Convention.** Notwithstanding the provisions of section 9-e to the contrary, members of the Grafton county convention shall be entitled to receive from the county treasury fifteen dollars per day for actual attendance at meetings of the convention and ten cents a mile for travel to and from the place of meeting. They are not entitled to receive any compensation or mileage for attending such meetings on a day when there is a meeting of the house of representatives.

491:10 Effective Date. Section 9 of this act shall take effect January 1, 1970. The remaining sections of this act shall take effect as of January 1, 1969.

[Approved July 3, 1969.]

[Effective date. Section 9 shall take effect January 1, 1970. The remaining sections of act shall take effect as of January 1, 1969.]

CHAPTER 492.

AN ACT RELATIVE TO SALARY AND FEES OF THE REGISTER OF DEEDS FOR HILLSBOROUGH COUNTY AND THE MICROFILMING OF RECORDS BY REGISTER OF DEEDS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

492:1 Register of Deeds, Hillsborough County. Amend RSA 478 by inserting after section 37 the following new subdivision:

Register for Hillsborough County

478:38 Salary. The register of deeds for Hillsborough county shall receive an annual salary of fifteen thousand dollars paid by the county of Hillsborough.

478:39 Fees. The Hillsborough county register of deeds shall be entitled to the following fees:

I. For recording or copying each page of two hundred and twenty-four words, seventy-five cents; provided that if the deed or other paper contains the names of more than one grantor and one grantee, an additional fee of thirty cents shall be charged for indexing the names of each additional grantor or grantee.

II. For every certificate one dollar;

III. For examining the records at the request of any person, one dollar and fifty cents for each hour spent therein;

IV. For discharging a mortgage on the margin of the record, or for recording an assignment thereof, one dollar;

V. For each transfer furnished pursuant to sections 14 and 15, thirty cents.

478:40 Receipts. The said register of deeds shall pay over monthly to the county treasurer all fees received by him as such register.

478:41 Assistants. The said register of deeds is authorized to employ such assistants as may be required. The number of such assistants and the salaries to be paid such assistants shall be determined by the executive committee of the county delegation. The salaries of such assistants and any other expenses of the office of said register of deeds shall be paid by the county of Hillsborough.

492:2 Microfilming. Amend RSA 478:5 by inserting in line six after the word "delivered" the following (In addition to or in lieu of other

recording methods, the register of deeds may cause the originals of documents filed with him to be photographed and preserved on microfilm.) so that said section as amended shall read as follows: **478:5 Record Books.** Immediately upon receipt of any deed or instrument for record the register of deeds shall enter, in separate columns, in a book kept by him and open to inspection, the time when each is received, the names of the grantors and grantees and of the town in which the land conveyed or affected is situate, and, after recording it, the name of the person to whom it is delivered. In addition to or in lieu of other recording methods, the register of deeds may cause the originals of documents filed with him to be photographed and preserved on microfilm.

492:3 Effective Date. Section 1 of this act shall take effect January 1, 1971 and the remainder of the act shall take effect upon its passage.

[Approved July 3, 1969.]

[Effective date. Section 1 shall take effect January 1, 1971 and remainder of act shall take effect July 3, 1969.]

CHAPTER 493.

AN ACT AUTHORIZING MUNICIPALITIES TO LEVY SPECIAL ASSESSMENTS FOR THE
CONSTRUCTION, OPERATION AND MAINTENANCE OF PARKING FACILITIES
AND APPROACHES THERETO.

Be it Enacted by the Senate and House of Representatives in General Court convened:

493:1 Parking Facilities. Amend RSA by inserting after chapter 252, the following new chapter:

Chapter 252-A Public Parking Facilities

252-A:1 Findings and Declaration of Necessity. It is hereby found and declared:

I. That the free circulation of traffic of all kinds through the streets of the municipalities of this state is necessary for the rapid and effective fighting of fires, disposition of police forces, and transit of other emergency vehicles in said municipalities for the health, safety, morals and general welfare of the public, whether residing in or traveling to, through or from said municipalities in the course of lawful pursuits as well as for the sound economic development of such municipalities;

II. That in recent years the parking of motor vehicles of all kinds on the streets of said municipalities has so substantially impeded such free circulation of traffic as to constitute at the present time a public nuisance endangering the health, safety, morals and welfare of the general public, as well as endangering the economic life of said municipalities;

III. That such traffic congestion cannot be adequately abated except by provisions for sufficient off-street parking facilities; and that the enactment of laws to so provide off-street parking facilities is therefore a necessity in the public interest.

252-A:2 Definitions. Terms used in this chapter shall have the meanings set forth below, unless a different meaning is clearly apparent from the language or context, or is otherwise inconsistent with the manifest intention of this chapter.

I. "Public parking facilities" shall mean any lots, garages, parking terminals and other structures of one or more levels, facilities and accommodations for the parking of motor vehicles off the street or highway and open to public use with or without charge and all facilities appurtenant thereto including ancillary waiting rooms, lockers, space for concessions, stores, and offices, terminal facilities for trucks and buses, facilities for the servicing of motor vehicles and for the sale of gasoline, oil and other accessories; and said term shall include structures over or under other structures which other structures may be owned by or leased to a person or corporation and used in whole or part for other than municipal purposes; and said term shall also include streets and ways constructed for access to or egress from such public parking facilities.

II. "Cost of construction" shall mean and include the purchase price of any public parking facility, the cost of construction, the cost of all labor, materials, machinery and equipment, the cost of improvements, the cost of all lands, property, rights, easements and franchises acquired, financing charges, interest prior to and during construction, cost of plans and specifications, surveys and estimates of cost and of revenues, cost of engineering and legal services, and all other expenses necessary or incident to determining the feasibility or practicability of such construction, administrative expense and such other expenses as may be necessary or incident to the financing herein authorized.

III. "Operating expenses" shall mean and include any costs related to the maintenance, operation and repair of public parking facilities and shall include, without limiting the generality of the foregoing, ordinary and usual expenses of maintenance and repair, engineering expenses relating to operation, maintenance and repair, insurance premiums after completion of construction, administrative and legal expenses after such completion and the reasonable cost of policing public parking facilities.

IV. "Municipality" or "municipalities" shall include any city or town in the state having a population in excess of sixty thousand as determined by the last published federal census preceding the adoption of this act by any such town or city.

V. "Legislative body" shall mean the town meeting in towns and the mayor and aldermen in cities.

VI. "Governing board" shall mean the selectmen in towns and the mayor and aldermen in cities.

252-A:3 Plan.

I. When the legislative body of any municipality finds that the public health, safety, morals and general welfare so requires, it may undertake to study the question of providing public parking facilities. For the purpose of such study said legislative body may appoint or authorize its governing board to appoint an investigative and planning board or may contract with

private planners or developers which investigative and planning board or private party shall study the parking needs and conditions in said municipality and shall propose a plan for providing one or more public parking facilities; and said legislative body may appropriate such sums of money as are reasonably necessary therefore.

II. The plan referred to in paragraph I of this section, in addition to providing a detailed proposal for the construction of one or more public parking facilities shall show that there is a need for public parking facilities, that the facilities proposed therein are proposed with respect to that need, and shall include an estimate of construction cost and operating expenses and the method of financing and paying the same. Any such plan shall provide that construction costs or operating expenses shall be raised by assessments as provided in RSA 252-A:7 and the plan shall so indicate and shall determine the boundaries of any prescribed area within which special benefit assessments shall be levied, which area may but need not be coterminous with the municipality. No such plan shall be adopted unless it provides that at least fifty per cent of the construction costs and operating expenses shall be raised by assessments upon the owners or lessees of lease-hold interests whose lands receive special benefits therefrom and such plan shall also provide that no more than twenty-five percent of such construction costs and operating expenses shall be raised from general revenues and no more than twenty-five per cent of such construction costs and operating expenses shall be raised from motor vehicle permit fees as provided in RSA 260:27-b.

III. The legislative body of a municipality may adopt the proposed plan with or without amendment and proceed with the construction of the public parking facilities. Nothing herein shall be construed to prevent the municipality from thereafter changing or amending the plan upon a finding by the legislative body that the public interest requires such change or amendment.

252-A:4 Construction and Operation. Pursuant to a plan adopted under RSA 252-A:3, a municipality is empowered, subject to the fiscal and other pertinent requirements of law;

I. To construct or contract for the construction of public parking facilities and shall have the right to acquire or agree to acquire when completed in the name and on behalf of the municipality, public parking facilities being constructed or to be constructed as part of a structure which when completed may include facilities to be used for other than municipal purposes and to participate or agree to participate in the construction of such public parking facilities and to make payments on account of such construction; provided, however, that no such acquisition or agreement to acquire or participation or agreement to participate in such construction shall be permitted except with respect to public parking facilities to be constructed on land or air rights owned by or under lease to the municipality for a period of not less than forty years from the date on which such facilities are to be constructed or acquired. Subject as aforesaid, municipality is empowered to equip, maintain and operate such facilities;

II. To establish and collect reasonable off-street parking fees; to con-

trol, manage and operate such other facilities as are contained in any building or upon any property in or upon which public parking facilities are provided;

III. To adopt rules and regulations governing the operation of public parking facilities;

IV. To lease the operation of public parking facilities to any individual, firm or corporation as the public interest may warrant.

252-A:5 Eminent Domain. If the legislative body of a municipality which has adopted a plan as described shall determine to acquire pursuant to said plan any real property or interest therein, including air rights, necessary for or incidental to the construction, maintenance or operation of public parking facilities it may proceed to take such real property or interest therein by an exercise of the power of eminent domain in the same manner as provided in RSA 234, or it may exercise the power of eminent domain in the manner provided by any other applicable statutory provisions for the exercise thereof.

252-A:6 Borrowing Power. Municipalities may finance the construction of public parking facilities by issuing bonds or notes, which bonds or notes shall conform to and be issued in accordance with the provisions of RSA 33 insofar as the same may be applicable. All such bonds or notes shall be issued for public parking facilities pursuant to a plan as provided in this chapter which provides that an amount equal to at least fifty percent of the principal of such bonds or notes are to be assessed as provided in this chapter, raised by motor vehicle permit fees as provided in RSA 260:27-b, or funded from the revenues of the parking system, or any combination thereof, shall at no time be included in the net indebtedness of the municipality for the purpose of ascertaining its borrowing capacity.

252-A:7 Levying Assessments for Public Parking Facilities.

I. The assessors of any municipality which has constructed public parking facilities, upon direction from the legislative body and in accordance with the plan adopted, shall assess in the manner provided in paragraph II of this section upon the owners or lessees of lease-hold interest, whose lands receive special benefits therefrom, their just share of the cost of construction of the same. All assessments thus made shall be valid and binding upon the owners or lessees of such land. The funds collected from assessments shall be used solely for the construction of public parking facilities or for the redemption of bonds or notes issued by the municipality to obtain funds for the construction of public parking facilities, including funds paid to a housing authority for the construction of public parking facilities.

II. The plan may provide that assessments shall be made;

(a) At one time and assessments so made may be prorated over a period not exceeding the number of years which the plan shall provide to defray the construction costs of the public parking facilities; or

(b) From year to year upon the owners or lessees of lease-hold interests at the time such assessment is made, their just proportion of the construction costs which shall become due in that year, including the

amount of principal and interest due during the year on any bonds or notes issued to provide funds to pay such construction costs.

252-A:8 Basis of Assessment. Assessments shall be levied according to a formula which shall be set forth in the plan and which shall be reasonable and proportional to the benefits conferred upon the land or lease-hold interest upon which such assessment is laid. Such formula may, but need not necessarily, be based on the number of off-street parking spaces required to be furnished by owners of land under any lawful zoning ordinances or by-law in effect in or which may be adopted by the municipality. If the formula based on a zoning ordinance requirement of off-street parking is used, the plan may provide for credit to those owners or lessees who have erected or constructed private parking structures, but need not provide credit for private parking lots.

252-A:9 Assessment for Operating Expenses. In order to defray the costs of the operation and maintenance of such public facilities, the assessors may assess upon the owners and lessees whose land is benefited by such public parking facilities their just share of the annual operating expenses of the same. The assessors may establish a scale of assessments and prescribe the manner in which and the time at which such assessments are to be paid and to change such scale from time to time as may be deemed advisable.

252-A:10 Special Account. The funds received from the collection of assessments provided in section 9 shall be deposited by the treasurer of the municipality in a special account which in any fiscal year shall be used only to pay the operating expenses of the public parking facilities. Any surplus in such account at the end of the fiscal year may be used for the enlargement or replacement of the public parking facilities but shall not be used for any other purpose than those above specified.

252-A:11 Lien for Assessment or Rentals. All assessments under the provisions of sections 7 and 9 shall create a lien upon the lands on account of which they are made, which shall continue until one-year from October first following the assessment, and, in case an appeal has been taken and the assessment has been sustained in whole or in part upon such appeal, until the expiration of one year from such decision, whichever is later. Such assessments shall be subject to the interest and such other charges as are applicable to delinquent taxes. In the event that the assessments are payable over a period of years, then the assessment shall be prorated on an annual basis and the lien on said lands shall attach annually.

252-A:12 Collection of Assessments. Assessments provided in sections 7 and 9 shall be committed to the collector of taxes, with a warrant under the hands and seal of the assessors requiring him to collect them; and he shall have the same rights and remedies and be subject to the same liabilities in relation thereto as in the collection of taxes.

252-A:13 Abatement of Assessments. For good cause shown, the assessors may abate any such assessment made by them or by their predecessors.

252-A:14 Petition to Court. If the assessors neglect or refuse to abate any such assessments, any person aggrieved may apply by petition to the superior court for relief at any time within ninety days after notice of the

assessment, and not afterwards; and the court shall make such order thereon as justice may require.

252-A:15 Correction of Assessments. If any error is made in any such assessment it may be corrected by the assessors by making an abatement and a new assessment, or either, as the case may require; and the same lien, rights, liabilities and remedies shall attach to the new assessment as to the original.

252-A:16 Optional Referendum; Two-thirds Vote of Legislative Body.

I. **Referendum.** If the legislative body of a municipality affected by this chapter desires to place the question of approving a plan formulated pursuant to this chapter on a referendum, they may do so at any regular municipal election or at a special election called for the purpose. Should a referendum be held, the following question shall be submitted "Shall the legislative body of the city of () be instructed to approve the plan submitted to it concerning the construction of parking facilities?" The legislative body shall be bound by the outcome of the referendum.

II. **Two-thirds Vote.** If the legislative body should decide not to place the question of approving a plan formulated pursuant to this chapter on a referendum, a two-thirds vote of the entire membership of the legislative body shall be necessary in order to approve such plan.

493:2 Air Rights. Amend RSA by inserting after chapter 48-A (supp), the following new chapter:

Chapter 48-B
Leasing of Air Rights

48-B:1 Definitions. Terms used in this chapter shall have the meanings set forth below, unless a different meaning is clearly apparent from the language or context, or is otherwise inconsistent with the manifest intention of this chapter:

I. "Municipality" shall mean any city or town in the state;

II. "Legislative body" shall mean the town meeting in towns and the mayor and aldermen in cities;

III. "Governing board" shall mean the selectmen in towns and the mayor and aldermen in cities.

48-B:2 Air Rights. The governing board of a municipality, when authorized to do so by its legislative body, may lease, at one time or from time to time for a term or terms not to exceed ninety-nine years, upon such terms and conditions as the governing board thereof in its discretion deems advisable, air rights over public streets and ways, public parking facilities and other public buildings, land and waters, owned by such municipality, or in which the public has a right to travel or in which such municipality holds less than a fee interest, excluding any dedicated park land, but including rights for support, access, utilities, light and air, for such nonmunicipal purposes as, in the opinion of the governing board thereof, will not impair the construction, use, safety, maintenance or repair of such streets and ways, facilities, buildings, land and waters; provided,

however, such municipality shall not execute any leases which would either impair the use and safety of any highway, be solely for outdoor advertising structures or which would violate any provision of those regulations promulgated by the administrator of the Federal Aviation Agency. Any lease granted hereunder may, with the consent of the legislative body of the municipality, be assigned, pledged or mortgaged and the lien of such pledge or mortgage may be foreclosed by appropriate action. The proceeds from any such lease shall be paid into the treasury of such municipality. Any lease granted hereunder may be granted over public streets and ways in which the municipality owns the easement, but not a fee interest, without thereby disturbing the reversionary rights, if any, of the holder of the fee in such public street or way. Nothing herein shall derogate from the right of the municipality holding a fee interest in such streets, ways, facilities, buildings, land or water from conveying air rights in fee or by lease. Any lease promulgated under the authority of this chapter for air rights over state and state aid highways shall have the approval of the commissioner of public works and highways.

48-B:3 Applicability of Other Provisions of Law. The construction or occupancy of any building or other thing erected or affixed under any lease hereunder shall be subject to the building, fire, health and zoning ordinances of the municipality to the extent applicable. Any building, or other thing, erected over or affixed to any public street or way under this chapter are valid and declared legal and the same shall henceforth be legal structures over and in said streets and ways.

48-B:4 Taxability. Any building, or other thing, erected or affixed under any such lease shall be taxed to the lessee thereof or his assigns in the same manner and to the same extent as if such lessee or his assigns were the owners of the land in fee; provided that no part of the value of the land shall be included in any such assessment. The municipality may exercise all remedies provided generally for the collection of taxes and any such leasehold estate may be sold or taken by the municipality for the nonpayment of any taxes assessed as aforesaid in the manner provided by law for the sale or taking of real estate for nonpayment of local taxes. The municipality shall include in any lease of such air rights a provision whereby the lessee agrees, in the event that the foregoing tax provision is determined by a court of competent jurisdiction to be inapplicable, to pay annually to the municipality a sum of money in lieu of such taxes which would otherwise be assessed thereon in such year.

48-B:5 Public Records. Each lease hereunder shall require that the lessee file with the clerk of the municipality, and amend as changes may occur, a statement under oath containing the names and addresses of the officers and directors, in the case of a corporation, and in the case of partnership or other voluntary association, the name and address of all persons having a financial interest in said lease. A copy of all leases granted by any municipality shall be kept on file and such leases shall be open to public inspection.

493:3 Housing Authority Power. Amend RSA 203:8 by inserting after paragraph VIII the following new paragraph: IX. To enter into agreements with municipalities for the construction of public parking

facilities as provided in RSA 252-A, provided, however, that any such agreement shall require that the public parking facilities shall be conveyed to the municipality or its designee upon completion of the project. Any authority may construct such facilities in any area that the municipality shall authorize and shall not be limited to blighted, substandard or slum areas.

493:4 Housing Projects. Amend RSA 203:23 by inserting after paragraph XIV (supp) the following new paragraph: XV. Enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with a housing authority for the construction of public parking facilities as provided in RSA 252-A; provided, however, that any such agreement shall require that the public parking facilities shall be conveyed to the municipality or its designee upon completion of the project. Any authority may construct such facilities in any area that the municipality shall authorize and shall not be limited to blighted, substandard or slum areas. Any municipality may issue and sell its general obligation bonds or notes as provided by RSA 252-A to raise funds to be granted to a housing authority for the purposes of carrying out such agreements. Municipalities may make assessments as provided by RSA 252-A and may increase motor vehicle permit fees as provided by RSA 260:27-b in order to pay the costs of construction of a public parking facility including payment of indebtedness incurred by the issuance of such bonds or notes. Any such indebtedness shall be included in the net indebtedness of the municipality for the purpose of ascertaining its borrowing capacity only to the extent and under the conditions provided in RSA 252-A.

493:5 Separability. If any of the provisions of this act shall be held invalid or unconstitutional then such invalidity or unconstitutionality shall not affect other provisions hereof and to this end the provisions of this act are declared to be severable.

493:6 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 494.

AN ACT PLACING THE STATE MOTTO ON CERTAIN LICENSE PLATES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

494:1 Motto Required. Amend RSA 263:1 by striking out in lines five and six the words "material and design thereof, and the location of said plate or plates on the vehicle" and inserting in place thereof the words (the location of said plate or plates on the vehicle, and the material and design thereof; provided, however, that number plates for non-commercial vehicles shall have the state motto "live free or die" written thereon) so that said section as amended shall read as follows: **263:1 Number Plates.**

Every motor vehicle operated in or on any way in this state shall have displayed conspicuously thereon a number plate or plates to be furnished by the director of the division of motor vehicles. Said director may make special regulations relative to the number of plates, the location of said plate or plates on the vehicle, and the material and design thereof; provided, however, that number plates for non-commercial vehicles shall have the state motto "live free or die" written thereon. The plates shall be kept clean.

494:2 Effective Date. This act shall take effect upon its passage.

[Approved July 3, 1969.]

[Effective date July 3, 1969.]

CHAPTER 495.

AN ACT CREATING A NEW HAMPSHIRE OCEANOGRAPHIC FOUNDATION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

495:1 Declaration of Policy. The legislature finds that: although New Hampshire has a limited coastline, the state has the potential, due to the fine harbor and New Hampshire state port authority facilities at Portsmouth, the large estuary of Great Bay, and extensive professional talent in its institutions and industries, to become a leader in the science of oceanography and its applications; that leadership in oceanography will encourage the economic growth of New Hampshire and New England; and that it is therefore in the interest of New Hampshire to give strong support to the growth of oceanographic activities within the state.

495:2 New Chapter. Amend RSA by inserting after chapter 12-C (supp) the following new chapter:

Chapter 12-D

New Hampshire Oceanographic Foundation

12-D:1 Foundation Established. A New Hampshire oceanographic foundation is hereby established. Said foundation shall be governed by a board of trustees to consist of nine members. Six of said members shall be appointed by the governor with the consent of the council. The remaining three members shall be elected by majority vote of the six members appointed by the governor. A vacancy in an appointed seat shall be filled for the unexpired term by appointment by the governor with the consent of the council. A vacancy in an elected seat shall be filled for the unexpired term by election of the six appointed members.

12-D:2 Terms of Office. The term of office of board members shall be three years. Provided, however, that the governor shall initially appoint two members for a term of one year, two members for a term of two years, and two members for a term of three years. Of the members initially elected by the appointed members, one shall be elected for a term of one year, one for a term of two years, and one for a term of three years.

12-D:3 Compensation. Members of the board of trustees shall serve without compensation.

12-D:4 Duties. The New Hampshire oceanographic foundation, acting through its board of trustees, shall:

I. Advise the residents and government of New Hampshire concerning oceanographic activities being conducted, or to be conducted within the state.

II. Encourage the establishment and construction of oceanographic facilities in New Hampshire by private and governmental agencies and institutions.

12-D:5 Powers. The New Hampshire oceanographic foundation, acting through its board of trustees, is empowered to:

I. Accept gifts, contributions and bequests from individuals, foundations, corporations, and other organizations for the use of the foundation.

II. Apply for and accept grants and other forms of assistance from the federal government for the use of the foundation.

III. Establish rules, procedures, and criteria to apply to the application for and use of grants made pursuant to subparagraph III.

IV. Accept or reject any application for financial assistance.

V. Request and receive information, data, or testimony from any state department, agency, board, or institution or an employee thereof that is necessary in order to carry out its duties.

12-D:6 Coordinator. Until such time as the foundation hires an executive director, the coordinator of oceanographic programs of the department of resources and economic development shall perform such administrative and executive functions as the board of trustees shall determine. The coordinator shall not receive any compensation for his work for the foundation.

12-D:7 Departmental Organization. For purposes of departmental organization, the New Hampshire oceanographic foundation shall be a part of the department of resources and economic development. Provided, that the commissioner of resources and economic development shall have neither regulatory authority nor administrative supervision over said foundation, which shall function as an independent entity within the department.

495:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 496.**AN ACT ESTABLISHING A FLAT EXEMPTION OF A CERTAIN SUM OF MONEY
DUE FOR TAXES BY CERTAIN ELDERLY PERSONS.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

496:1 Flat Exemption. Amend RSA 72 by inserting after section 38 (supp) the following new sections:

72:39 Exemption for Persons over Seventy Years. Real estate to the appraised value of five thousand dollars shall be exempt from taxation if it is:

I. Owned by a person seventy years of age or over and occupied by him as his domicile; or

II. Owned by a person jointly with his spouse, either of whom is seventy years of age or over, and occupied by him as his domicile; or

III. Owned by a person seventy years of age or over either jointly or as a tenant in common with a person not his spouse and occupied by him as his domicile.

72:40 Conditions. No real estate tax exemption shall be allowed under section 39 unless the person applying therefor:

I. Has been domiciled in the state of New Hampshire for the ten years preceding the year in which the exemption is sought; and

II. Has owned the real estate for which the exemption is sought either individually, jointly, or as a tenant in common for the preceding five consecutive years, or has owned and occupied as his domicile such real estate and other real estate for the preceding five consecutive years; and

III. Had, in the preceding year, a net income from all sources taxable and nontaxable, of less than four thousand dollars, or, if married, a combined net income from all sources, of less than five thousand dollars; and

IV. Has a combined net income from all sources, taxable and nontaxable, with all joint tenants or tenants in common as to the real estate with respect to which the exemption is claimed, or less than five thousand dollars per annum; and

V. Owns not more than seventeen thousand five hundred dollars worth of equalized value of real estate, either individually or jointly or as a tenant in common with his spouse or any other person having an interest as a joint tenant or tenant in common with him in the real estate with respect to which such exemption is claimed; and

VI. Has assets of all kinds, including real estate at its value as assessed by the town or city where it is located, bank accounts and other personal property not in excess of twenty-five thousand dollars.

72:41 Proration. In the case of real estate owned by a person jointly or as a tenant in common with a person not his wife, the amount of the

tax exemption allowed under section 39 shall be in proportion to his interest therein.

72:42 Application.

I. On or before April fifteenth of the year in which an exemption is claimed, a person qualified for the exemption under section 39 shall file an application for the exemption with the selectmen or assessors. The state tax commission shall have an application form prepared, to be signed by the applicant under penalty of perjury, which shows that the applicant is qualified for the exemption.

II. If a person otherwise qualified for the exemption satisfies the selectmen or assessors that he was prevented by accident, mistake, or misfortune from filing the application before April fifteenth, the selectmen or assessors may, in their discretion, accept the application after April fifteenth and before the local tax rate is approved and they may, in their discretion, grant the exemption.

III. If the selectmen or assessors are satisfied that the applicant has wilfully made any false statement in the application to obtain an exemption, they may refuse to grant the exemption. The applicant may appeal from the decision of the selectmen or the assessors in writing to the tax commissioner within six months after receiving the tax bill.

496:2 Effective Date. This act shall take effect April 1, 1970.

[Approved July 3, 1969.]

[Effective date April 1, 1970.]

CHAPTER 497.

AN ACT RELATIVE TO FISCAL YEARS FOR POLITICAL SUBDIVISIONS;
THE COLLECTION OF TAXES IN CERTAIN TOWNS AND CITIES;
AND TO ASSISTANT MEDICAL REFEREES FOR ROCKINGHAM COUNTY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

497:1 Optional Fiscal Year Change. Amend RSA 31 by inserting after section 94 the following new sections.

31:94-a Optional Fiscal Year. Cities and towns with population greater than ten thousand as determined by the most recent official census, and counties, may adopt a single eighteen month accounting period running from January first of the calendar year following adoption and ending June thirtieth of the next following year. Thereafter, accounting periods for such towns, cities, and counties shall run from July first to June thirtieth of the following year.

31:94-b Adoption. The provisions of section 94-a shall not take effect in any town, city, or county unless adopted in the following manner: In towns, by unanimous vote of the selectmen, together with the approval of a two-thirds majority of the budget committee. In cities, by two-thirds vote of the city council. In counties, by two-thirds vote of the executive committee.

31:94-c Authorization to Use Accounting Period. Any town, city or county which adopts the provisions of section 94-a may budget their receipts and expenditures, raise and appropriate revenues, and assess taxes on the basis of a single eighteen month accounting period running from January first of the calendar year following adoption and ending June thirtieth of the next following year. Thereafter, they shall operate their fiscal affairs on the basis of a twelve month accounting period running from July first to June thirtieth of the next following year.

31:94-d Debt During Transition Period. Towns, cities, and counties which have adopted the provisions of section 94-a may incur debt under the provisions of RSA 33 in an amount not to exceed one-third of all taxes assessed on April first of the year following adoption of section 94-a, excluding payments upon outstanding debts, said debt to be discharged in not more than nine years. Debt incurred pursuant to this section shall not be included in the debt limit of the town, city or county, and the funds borrowed pursuant to this section shall be used only to defray additional costs that result from the adoption of an eighteen month transitional accounting period.

497:2 Semi-Annual Tax Collection in Certain Towns and Cities. Amend RSA 76 by inserting after section 15 the following new sections:

76:15-a Semi-Annual Collection of Taxes in Certain Towns and Cities. Taxes shall be collected in the following manner in towns and cities with a population greater than ten thousand, according to the last official census, which adopt the provisions of this section in the manner set out in section 15-b. A partial payment of the taxes assessed on April first in any tax year equal to one-half of the total taxes assessed for the previous tax year shall be due and payable on June first of the present tax year. A payment of the remainder of the taxes assessed on April first in the present tax year, equal to the total tax assessed on April first, minus the payment due on June first of that year shall be due and payable December first. Interest at the rate of six per cent shall be charged on all taxes not paid on or before the date they are due.

76:15-b Local Option. Other provisions of law to the contrary notwithstanding, taxes shall be collected in any town or city with a population greater than ten thousand, according to the last official census, in a manner pursuant to section 15-a if said town or city, by majority vote of the governing body, adopts the provisions thereof. A town or city which adopts the provisions of section 15-a may rescind said adoption by majority vote of the governing body, and the general statutes relating to collection of taxes shall once again apply.

497:3 Rockingham County Assistant Medical Referees. Amend RSA 611 by inserting after section 4 the following new section: **611:4-a Assistant Medical Referees: Rockingham County.** The medical referee of Rockingham County may appoint up to two persons, learned in the science of medicine, as assistant medical referees, for Rockingham County, who shall serve under the direction and supervision of the medical referee. Said assistant medical referees shall possess all the powers granted to the medical referee, and shall be sworn in the same manner. Assistant medical referees shall serve at the pleasure of the medical referee.

497:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 498.

AN ACT RELATIVE TO EDUCATIONAL LENDING.

Be it Enacted by the Senate and House of Representatives in General Court convened:

498:1 Bank Commissioner to Investigate. Amend RSA 383 by inserting after section 9-b (supp) the following new section: **383:9-c Educational Lending Institutions.** The bank commissioner shall hear and investigate complaints against companies or corporations primarily engaged in the business of making loans to be used exclusively for the payment and assurance of payment of tuition and other expenses of formal education in institutions of higher learning.

498:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 499.

AN ACT AMENDING CERTAIN PROVISIONS IN THE BUDGET BILLS RELATIVE TO PAYMENTS FOR DRUGS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

499:1 Payment for Drugs 1970. Amend the so-called budget act for the fiscal year ending June 30, 1970, by striking out in section 4 of said bill at the end of the appropriation for department of health and welfare, division of welfare, the following paragraph in Note No. 2, reading as follows:

“Payments for drugs shall be twenty per cent less than the amount arrived at for such payments pursuant to regulations, standards, schedules, and plans in effect on the effective date of this act.”
and inserting in place thereof the following:

(Payment for drugs in the biennium shall not exceed eighty per cent of the total projected for drugs by the department of health and welfare during the biennium ending June 30, 1971. Such reduction shall as far as possible be enforced during the entire biennium.)

499:2 Payment for Drugs 1971. Amend the so-called budget act for the fiscal year ending June 30, 1971, by striking out in section 4 of said bill at the end of the appropriation for department of health and welfare,

division of welfare, the following paragraph in Note No. 2, reading as follows:

"Payments for drugs shall be twenty per cent less than the amount arrived at for such payments pursuant to regulations, standards, schedules, and plans in effect on the effective date of this act."
and inserting in place thereof the following:

(Payment for drugs in the biennium shall not exceed eighty per cent of the total projected for drugs by the department of health and welfare during the biennium ending June 30, 1971. Such reduction shall as far as possible be enforced during the entire biennium.)

499:3 Effective Date. Section 1 of this act shall take effect July 1, 1969, and section 2 of this act shall take effect July 1, 1970.

[Approved July 3, 1969.]

[Effective date. Section 1 shall take effect July 1, 1969, and section 2 shall take effect July 1, 1970.]

CHAPTER 500.

AN ACT INCREASING THE SALARIES OF CLASSIFIED EMPLOYEES, TEMPORARY AND SEASONAL EMPLOYEES, CERTAIN STATE OFFICERS AND MAKING APPROPRIATION THEREFOR, AND RELATIVE TO LEAVE FOR LEGISLATIVE EMPLOYEES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

500:1 Classified Salaries for the First Year of the Biennium. Amend RSA 99:1 (supp) as amended by 1957, 274:1; 1961, 221:1; 1965, 73:1; and 1967, 353:1 by striking out said section and inserting in place thereof the following:

99:1 Salaries Established. The salary ranges for all classified state employees, for the period commencing June 27, 1969 to June 26, 1970 only, shall be established as follows:

Salary Grade	Minimum	Step 1	Step 2	Step 3	Maximum
1	3661.06	3767.27	3873.09	3980.60	4086.29
2	3759.21	3865.03	3970.72	4076.41	4182.10
3	3855.54	3961.23	4065.10	4179.89	4323.41
4	3918.85	4054.96	4216.94	4394.26	4577.69
5	4047.81	4239.30	4441.71	4645.42	4849.00
6	4227.08	4437.29	4648.80	4859.01	5069.22
7	4429.75	4662.71	4895.80	5130.06	5363.02
8	4619.94	4860.70	5101.59	5343.65	5584.41
9	4810.13	5058.82	5307.38	5555.94	5804.50
10	5001.62	5256.81	5513.17	5771.87	6065.80
11	5191.81	5456.10	5726.11	6043.83	6362.72
12	5506.41	5803.98	6118.45	6472.83	6827.21
13	5701.28	6060.21	6421.61	6781.84	7169.50
14	5998.85	6369.35	6739.85	7146.62	7557.29
15	6279.52	6672.64	7091.11	7511.01	7929.61

16	6554.60	6976.06	7397.52	7817.55	8243.30
17	6835.53	7276.10	7715.24	8154.51	8593.65
18	7162.35	7621.90	8081.32	8540.87	9000.42
19	7489.17	7971.60	8455.46	8939.32	9421.75
20	7832.50	8322.73	8814.39	9305.92	9797.58
21	8195.72	8693.62	9191.52	9688.12	10186.02
22	8589.88	9136.53	9683.31	10228.66	10776.61
23	9017.71	9583.60	10149.49	10714.08	11281.27
24	9438.00	10022.09	10606.18	11190.27	11774.36
25	10009.09	10628.93	11247.60	11866.14	12486.11
26	10387.52	11021.40	11656.71	12290.59	12924.47
27	10766.08	11417.77	12069.46	12721.15	13374.14
28	11164.92	11846.12	12527.32	13208.52	13889.72
29	11555.18	12267.06	12980.24	13692.12	14405.30
30	11990.42	12738.31	13486.20	14234.09	14983.28
31	12764.18	13547.43	14332.11	15115.36	15899.91
32	13602.94	14429.48	15254.72	16081.13	16907.67
33	14647.10	15542.80	16438.63	17333.16	18228.99
34	16017.43	16971.24	17926.35	18880.16	19835.27

500:2 Classified Salaries Starting the Second Year of the Biennium.
Amend RSA 99 by inserting after section 99:1 (supp) as inserted by section 1 of this act the following new section:

99:1-a Salaries Established. The salary ranges for all classified employees, commencing on June 26, 1970, shall be established as follows:
Salary

Grade	Minimum	Step 1	Step 2	Step 3	Maximum
1	3868.80	3980.60	4092.40	4206.80	4318.60
2	3972.80	4084.60	4196.40	4308.20	4420.00
3	4074.20	4186.00	4295.20	4425.20	4612.40
4	4141.80	4284.80	4477.20	4677.40	4880.20
5	4277.00	4495.40	4711.20	4929.60	5148.00
6	4485.00	4716.40	4950.40	5181.80	5413.20
7	4690.40	4937.40	5184.40	5434.00	5681.00
8	4895.80	5158.40	5421.00	5686.20	5948.80
9	5101.20	5379.40	5657.60	5935.80	6214.00
10	5309.20	5600.40	5894.20	6188.00	6481.80
11	5514.60	5824.00	6136.00	6445.40	6757.40
12	5943.60	6299.80	6656.00	7012.20	7368.40
13	6133.40	6531.20	6934.20	7334.60	7735.00
14	6528.60	6944.60	7360.60	7776.60	8192.60
15	6890.00	7321.60	7753.20	8187.40	8619.00
16	7129.20	7579.00	8028.80	8476.00	8928.40
17	7371.00	7839.00	8304.40	8769.80	9235.20
18	7724.60	8218.60	8712.60	9206.60	9700.60
19	8078.20	8598.20	9120.80	9643.40	10163.40
20	8444.80	8967.40	9492.60	10017.80	10543.00
21	8811.40	9339.20	9867.00	10392.20	10920.00
22	9284.60	9893.00	10501.40	11107.20	11718.20
23	9755.20	10387.00	11018.80	11648.00	12282.40

24	10225.80	10881.00	11536.20	12191.40	12846.60
25	10998.00	11707.80	12415.00	13122.20	13832.00
26	11375.00	12097.80	12823.20	13546.00	14268.80
27	11752.00	12490.40	13228.80	13967.20	14708.20
28	12149.80	12927.20	13704.60	14482.00	15259.40
29	12550.20	13364.00	14180.40	14994.20	15810.60
30	12950.60	13803.40	14656.20	15509.00	16364.40
31	13928.20	14814.80	15704.00	16590.60	17479.80
32	14905.80	15828.80	16749.20	17672.20	18595.20
33	16094.00	17110.60	18127.20	19141.20	20157.80
34	17284.80	18392.40	19502.60	20610.20	21720.40

500:3 Appropriations. There are hereby appropriated for the fiscal year ending June 30, 1970 for the salary increases for classified state employees as provided herein, the following sums: \$1,529,955 from the general funds of the state, \$900,608 from highway funds, \$83,158 from fish and game funds, \$273,789 from federal funds, \$46,552 from self-sustaining funds, and \$37,189 from recreation funds. For the fiscal year ending June 30, 1971 there are hereby appropriated the following sums: \$3,112,786.46 from general funds, \$1,822,322.35 from highway funds, \$167,345.77 from fish and game funds, \$557,541.88 from federal funds, \$94,674.85 from self-sustaining funds, and \$75,010.91 from recreation funds.

500:4 Appropriations for Temporary and Seasonal. There are hereby appropriated for the fiscal year ending June 30, 1970 for the salary increases for temporary and seasonal employees as provided herein, the following sums: \$102,030 from the general funds of the state; \$69,560 from highway funds, \$11,702 from self-sustaining funds, and \$1,830 from fish and game funds. For the fiscal year ending June 30, 1971 there are hereby appropriated for said salary increases the following sums: \$204,060 from general funds of the state, \$139,060 from highway funds, \$23,404 from self-sustaining funds, and \$3,659 from fish and game funds.

500:5 Change in Date. Amend RSA 99:3 (supp) as amended by 1957, 274:2; 1961, 221:2; 1965, 73:2; and 1967, 353:4 by striking out said section and inserting in place thereof the following: **99:3 Increase in Salary.** Classified employees of the state as of June 27, 1969 as provided in section 1 of this chapter and as of June 26, 1970 as provided in section 1-a of this chapter shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and their annual salaries shall be in accordance with the salary scales set forth in sections 1 and 1-a. The provisions hereof shall not be construed as affecting so-called longevity payments which shall be in addition to the regular salary scale.

500:6 Annual and Sick Leave for Unclassified Legislative Employees. Amend RSA 94 by inserting after section 3 the following new section:

94:3-a Annual and Sick Leave for Unclassified Legislative Employees.

I. Annual Leave. All full time, nonelective unclassified legislative officials and employees shall accumulate annual or biennial leave to the extent authorized for each position by the appointing authority. If, at the time of his separation from service, such an official or employee has credit for unutilized annual leave time, he shall be paid for such time at the same rate he was receiving at the time of his separation.

II. Sick Leave. All full time, nonelective unclassified legislative officials and employees, shall accumulate sick leave credit to the extent authorized for each position by the appointing authority. All unutilized sick leave credit shall lapse at the time of separation from service, except that should such an official or employee die while in service, his estate shall be paid for any unutilized sick leave credit at the same rate the official or employee was receiving at the time of his death.

III. Transfer of Credit. Any official or employee who transfers from the classified service to a full time, nonelective, unclassified legislative position may transfer up to ninety days of sick leave credit that he has accumulated in the classified service. Any full time, nonelective unclassified legislative official or employee who transfers from the unclassified service to the classified service may transfer up to ninety days of sick leave credit that he has accumulated in the unclassified service pursuant to this section.

IV. The appointing authority may deny compensation to any legislative official or employee for any annual leave time or sick leave time taken in excess of annual leave time or sick leave time accumulated pursuant to this section.

500:7 Retroactivity.

I. On the effective date of this act, all full time, nonelective, unclassified legislative officials or employees presently in office or employed shall be given cumulative retroactive credit for annual leave purposes for a period of ten years or for the actual length of their service, whichever is shorter. The formula for determining the amount of retroactive credit due for each position shall be determined by the appointing authority.

II. On the effective date of this act, all full time, nonelective unclassified legislative officials or employees presently in office or employed shall be given cumulative retroactive credit for sick leave purposes. The formula for determining the amount of retroactive credit due for each position shall be determined by the appointing authority.

500:8 Unclassified Legislative Employees. Any portion of pay increases awarded to unclassified legislative employees during fiscal year 1970 and fiscal year 1971 which cause the pay of any such employee to exceed the amount budgeted therefor in the legislative appropriation shall be a charge against the salary adjustment fund.

500:9 Prior Service Credit. Amend RSA 100:20-d (supp) as inserted by 1967, 405:13 by striking out said section and inserting in place thereof the following: **100:20-d Certain Legislative Employees.** Any person who was a member of the retirement system on July 1, 1967, and who at the time he became such member had been elected or appointed by either branch of the legislature to a paid position as an employee thereof at a number of consecutive sessions thereof, including the session immediately prior to the time he became such a member, shall be entitled to service credit of one full year for each year of the biennium in which he served in such capacity or held such position provided he shall elect within a time approved by the board to make all payments to the system which would have been due had he been a member at the beginning of such service or tenure, and provided further that no such credit or payment shall be

allowed or required for such service or tenure prior to July 1, 1945.

500:10 Fees for Copies. Amend RSA 86:26 by striking out in line four the word "twenty-five" and inserting in place thereof the word (fifty) so that said section as amended shall read as follows: **86:26 Fees for Furnishing.** The fees of registers of probate for copies furnished under the provisions of the preceding section shall be one dollar for each will, inventory or account not exceeding four full typewritten pages, eight by ten and one-half inches, and fifty cents for each page in excess of four, and shall be paid by the state treasurer.

500:11 Unclassified Salaries for the First Year of the Biennium. Amend RSA 94:1 (supp) as amended by 1955, 153:2; 321:1; 323:4, 6; 335:8; 1957, 90:1; 223:2; 274:4, 7; 315:2; 1959, 199:4; 268:12; 1961, 166:5; 221:4; 222:5; 223:4; 266:12; 1963, 39:2; 132:2; 209:2; 328:17; 303:14; 1965, 267:7 and 365:1; 1967, 95:6; 253:6; 333:2; 379:10; 413:3; 445:1 and 1969, 108:2; 453:2; and 466:2 by striking out the same and inserting in place thereof the following: **94:1 Salaries Established.** The annual salaries for the positions set forth shall be as follows for the period commencing June 27, 1969 to June 26, 1970, only.

	Minimum	Maximum
Governor		\$30,000
Chief justice, supreme court		28,500
Chief justice, superior court		27,000
Associate justice, supreme court (4)		27,500
Associate justice, superior court (9)		26,000
Judges, probate court (10)		9,000
Racing commissioners (3)		3,120
Sweepstakes commissioner, chairman		4,680
Sweepstakes commissioners (2)		2,496
State entomologist		4,150
Adjutant general	\$14,227	16,006
Assistants attorneys general (8)	10,670	16,006
Assistant bank commissioner	14,227	16,006
Assistant business supervisor	12,449	14,227
Assistant commissioner, public works and highways	18,970	20,748
Assistant commissioner of safety	12,449	14,227
Assistant to insurance commissioner	10,670	12,449
Assistant state librarian	10,670	12,449
Assistant state treasurer	10,670	12,449
Assistant superintendent, New Hampshire Hospital	18,429	21,949
Attorney general	18,970	20,748
Bank commissioner	18,970	20,748
Business supervisor	14,820	17,784
Chairman, water resources board	12,449	14,820
Clerk of supreme court and court reporter	16,006	17,784
Commandant, soldiers' home	10,670	12,449
Commissioner of agriculture	14,227	16,006
Commissioner of department of employment security	18,970	20,748
Commissioner of education	18,970	20,748
Commissioner of health and welfare	18,970	20,748
Commissioner of public works and highways	21,090	23,370

Commissioner of resources and economic development	17,784	19,562
Commissioner of safety	18,970	20,748
Comptroller	18,970	20,748
Coordinator of crime and delinquency	9,020	12,000
Coordinator of federal funds	14,820	17,784
Coordinator of highway safety	14,820	17,784
Counsel, department of employment security	13,397	16,006
Deputy attorney general	16,006	17,784
Deputy bank commissioner	16,006	17,784
Deputy commissioner of education	16,006	17,784
Deputy commissioner of public works and highways	18,970	20,748
Deputy directors, commission on crime and delinquency (2)	12,480	16,000
Deputy director of data processing	15,500	19,750
Deputy director, New Hampshire distributing agency	8,299	10,078
Deputy director of personnel	13,680	15,390
Deputy insurance commissioner	12,449	14,227
Deputy labor commissioner	9,485	11,263
Deputy registers of probate:		
Rockingham	6,284	8,062
Strafford	5,454	7,030
Belknap	5,454	7,030
Carroll	5,454	7,030
Merrimack	6,284	8,097
Hillsborough	7,351	9,164
Cheshire	5,003	6,319
Sullivan	5,003	6,319
Grafton	5,454	7,030
Coos	5,003	6,319
Deputy secretary of state	13,110	14,820
Deputy state treasurer	13,110	14,820
Deputy superintendent, industrial school	10,670	12,449
Deputy superintendent, Laconia state school	18,337	20,155
Deputy warden, state prison	10,670	12,449
Director of aeronautics	14,227	16,006
Director, charitable trusts	5,335	7,114
Director of clinical services	18,337	20,115
Director of clinical and surgical services	18,337	20,115
Director of correctional psychiatry	18,337	20,115
Director, commission on crime and delinquency	14,040	18,000
Director of data processing	20,000	25,400
Director, division of accounts	16,006	17,784
Director of division of economic development	14,227	16,006
Director, division of mental health	25,342	28,899
Director of division of parks	14,227	16,006
Director, division of public health services	18,337	20,155
Director, division of purchase and property	16,006	17,784
Director of division of resources and development	14,227	16,006

Director, division of welfare	14,227	16,006
Director of fish and game	14,227	16,006
Director of motor vehicles	12,449	14,227
Director, New Hampshire distributing agency	10,670	12,449
Director, out-patient services	18,337	20,155
Director of personnel	16,006	17,784
Director of probation	11,400	13,110
Director of psychiatric education and research	18,337	20,155
Director of records management and archives	9,485	11,263
Director of safety services	11,449	13,227
Director of state police	14,227	16,006
Director of technical institute	14,227	16,006
Director, veterans' council	9,485	11,263
Executive director, real estate commission	8,379	10,175
Executive director, sweepstakes		21,000
Executive director, water supply and pollution control commission	18,970	20,748
General counsel, department of employment security	16,006	17,784
Governor's councilors	40 per diem	
Insurance commissioner	16,006	18,284
Labor commissioner	13,680	15,390
Liquor commissioner, chairman	16,506	18,284
Liquor commissioners (2)	16,006	17,784
Parole officer	12,449	14,227
Public utilities commission, chairman	14,227	16,006
Public utilities commissioners (2)	13,634	15,413
Registers of probate:		
Rockingham		5,454
Strafford		5,217
Belknap		5,217
Carroll		5,217
Merrimack		5,454
Hillsborough		5,691
Cheshire		4,742
Sullivan		4,742
Grafton		5,217
Coos		4,742
Research assistant to the insurance commissioner	10,260	11,970
Secretary of State	18,970	20,748
Secretary, tax commission	16,530	18,240
Senior industrial agent	9,804	12,118
Senior psychiatrist	17,310	20,072
State fire marshal	10,670	12,449
State librarian	12,449	14,227
State treasurer	18,970	20,748
State veterinarian	12,478	14,105
Superintendent, industrial school	16,006	17,784
Superintendent, Laconia state school	18,337	20,155
Superintendent, New Hampshire hospital	22,996	26,553

Superintendent, state sanatorium	16,006	17,784
Tax commissioner (2)	13,680	15,390
Warden, state prison	16,006	17,784
Water supply and pollution control commission:		
Chief aquatic biologist	12,540	14,255
Deputy executive director and chief engineer	16,530	18,240
Director, municipal services and assistance	12,540	14,255

Officials named in this section shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and in accordance with RSA 94:3. Racing commissioners, sweepstakes commissioners, and the state entomologist only excepted, any official whose salary upon placement in the new salary range is less than that of a subordinate classified employee shall be placed at the next higher step in range above said classified employee and shall be entitled to any increase provided for herein until the maximum provided herein is reached. However, in the event that the maximum of the unclassified position is less than the salary of said subordinate classified employee, the governor and council is authorized to increase the maximum of the unclassified position in an amount to provide a differential of not more than one thousand dollars.

Notwithstanding any other provisions of law to the contrary, the salaries of judges of probate court, deputy registers of probate, and registers of probate shall be as set forth above.

500:12 Unclassified Salaries Starting the Second Year of the Biennium.

Amend RSA by inserting after section 94:1 (supp) as inserted by section 11 of this act the following new section: **94:1-a Salaries Established.** The annual salaries for the positions set forth shall be as follows, commencing on June 26, 1970.

	Minimum	Maximum
Governor		\$30,000
Chief justice, supreme court		28,500
Chief justice, superior court		27,000
Associate justice, supreme court (4)		27,500
Associate justice, superior court (9)		26,000
Judges, probate court (10)		10,000
Racing commissioners (3)		3,120
Sweepstakes commissioner, chairman		4,680
Sweepstakes commissioners (2)		2,496
State entomologist		4,441
Adjutant general	\$15,226	17,129
Assistant attorneys general (8)	15,226	17,129
Assistant bank commissioner	15,226	17,129
Assistant business supervisor	13,322	15,226
Assistant commissioner, public works and highways	20,301	22,204
Assistant commissioner of safety	13,322	15,226
Assistant to insurance commissioner	11,419	13,322
Assistant state librarian	11,419	13,322
Assistant state treasurer	11,419	13,322
Assistant superintendent, New Hampshire hospital	18,420	21,548
Attorney general	20,301	22,204

Bank commissioner	20,301	22,204
Business supervisor	15,860	19,032
Chairman, water resources board	13,322	15,860
Clerk of supreme court and court reporter	17,129	19,032
Commandant, soldiers' home	10,670	12,449
Commissioner of agriculture	15,226	17,129
Commissioner of department of employment security	20,301	22,204
Commissioner of education	20,301	22,204
Commissioner of health and welfare	20,301	22,204
Commissioner of public works and highways	22,570	25,010
Commissioner of resources and economic development	19,032	20,935
Commissioner of safety	20,301	22,204
Comptroller	20,301	22,204
Coordinator of crime and delinquency	9,020	12,000
Coordinator of federal funds	15,860	19,032
Coordinator of highway safety	15,860	19,032
Counsel, department of employment security	15,226	17,129
Deputy attorney general	17,129	19,032
Deputy bank commissioner	17,129	19,032
Deputy commissioner of education	17,126	19,032
Deputy commissioner of public works and highways	20,301	22,204
Deputy directors, commission on crime and delinquency (2)	12,480	16,000
Deputy director of data processing	15,500	19,750
Deputy director, New Hampshire distributing agency	8,882	10,785
Deputy director of personnel	14,640	16,470
Deputy insurance commissioner	13,322	15,226
Deputy labor commissioner	10,150	12,054
Deputy registers of probate:		
Rockingham	6,725	8,628
Strafford	5,836	7,524
Belknap	5,836	7,524
Carroll	5,836	7,524
Merrimack	6,725	8,666
Hillsborough	7,867	9,808
Cheshire	5,355	6,762
Sullivan	5,355	6,762
Grafton	5,836	7,524
Coos	5,355	6,762
Deputy secretary of state	14,030	15,860
Deputy state treasurer	14,030	15,860
Deputy superintendent, industrial school	10,150	13,320
Deputy superintendent, Laconia state school	19,666	21,570
Deputy warden, state prison	10,150	13,320
Director of aeronautics	15,226	17,129
Director, charitable trusts	5,710	7,613
Director of clinical services	19,666	21,570
Director of clinical and surgical services	19,666	21,570

Director of correctional psychiatry	19,666	21,570
Director, commission on crime and delinquency	14,040	18,000
Director of data processing	20,000	25,400
Director, division of accounts	17,129	19,032
Director of economic development	15,226	17,129
Director, division of mental health	27,121	30,927
Director of division of parks	15,226	17,129
Director, division of public health services	20,301	22,204
Director, division of purchase and property	17,129	19,032
Director of division of resources and development	15,226	17,129
Director, division of welfare	15,226	17,129
Director of fish and game	15,226	17,129
Director of motor vehicles	13,322	15,226
Director, New Hampshire distributing agency	11,419	13,322
Director, out-patient services	19,666	21,570
Director of personnel	17,129	19,032
Director of probation	12,200	14,030
Director of psychiatric education and research	19,666	21,570
Director of records management and archives	10,150	12,054
Director of safety services	12,322	14,226
Director of state police	15,226	17,129
Director of technical institute	15,226	17,129
Director, veterans' council	10,150	12,054
Executive director, real estate commission	8,967	10,889
Executive director, sweepstakes		21,000
Executive director, water supply and pollution control commission	20,301	22,204
General counsel, department of employment security	17,129	19,032
Governor's councilors	40 per diem	
Insurance commissioner	17,129	19,032
Labor commissioner	14,640	16,470
Liquor commissioner, chairman	17,690	19,520
Liquor commissioners (2)	15,470	19,200
Parole officer	13,320	15,226
Public utilities commission, chairman	15,226	17,129
Public utilities commissioners (2)	14,591	16,494
Registers of probate:		
Rockingham		5,836
Strafford		5,583
Belknap		5,583
Carroll		5,583
Merrimack		5,836
Hillsborough		6,090
Cheshire		5,075
Sullivan		5,075
Grafton		5,583
Coos		5,075
Research assistant to the insurance commissioner	10,980	12,810
Secretary of state	20,301	22,204

Secretary, tax commission	17,690	19,520
Senior industrial agent	10,492	12,969
Senior psychiatrist	18,524	21,481
State fire marshal	11,419	13,322
State librarian	13,322	15,226
State treasurer	20,301	22,204
State veterinarian	13,398	15,145
Superintendent, industrial school	17,129	19,032
Superintendent, Laconia state school	20,301	22,204
Superintendent, New Hampshire hospital	24,610	28,416
Superintendent, state sanatorium	17,129	19,032
Tax commissioners (2)	14,640	16,470
Warden, state prison	17,129	19,032
Water supply and pollution control commission:		
Chief aquatic biologist	13,418	15,253
Deputy executive director and chief engineer	17,687	19,517
Director municipal services and assistance	13,418	15,253

Officials named in this section shall be placed in the corresponding steps in the new salary ranges as their length of service justifies and in accordance with RSA 94:3. Racing commissioners, sweepstakes commissioners, and the state entomologist only excepted, any official whose salary upon placement in the new salary range is less than that of a subordinate classified employee shall be placed at the next higher step in range above said classified employee and shall be entitled to any increase provided for herein until the maximum provided herein is reached. However, in the event that the maximum of the unclassified position is less than the salary of said subordinate classified employee, the governor and council is authorized to increase the maximum of the unclassified position in an amount to provide a differential of not more than one thousand dollars.

Notwithstanding any other provisions of law to the contrary, the salaries of judges of probate court, deputy registers of probate, and registers of probate shall be as set forth above.

500:13 Appropriation 1970. There is hereby appropriated for the fiscal year ending June 30, 1970 for salary increases provided in section 11 of this bill the following sums: two hundred eighty-seven thousand, eleven dollars from the general funds of the state; twenty-one thousand nine hundred twenty-five dollars from highway funds; ten thousand seven hundred forty-five dollars from self-sustaining funds; two thousand seventy-five dollars from federal funds; and one thousand nine hundred sixty-five dollars from fish and game funds.

500:14 Appropriation 1971. There is hereby appropriated for the fiscal year ending June 30, 1971 for salary increases provided in section 12 of this bill the following sums: four hundred thirty-four thousand, four hundred ten dollars from the general funds of the state; thirty-four thousand four hundred fifty-four dollars from highway funds; sixteen thousand eight hundred eighty-five dollars from self-sustaining funds; three thousand two hundred sixty dollars from federal funds; and three thousand eighty-nine dollars from fish and game funds.

500:15 Recruitment and Retention of Employees. Amend RSA 94 by inserting after section 3-a the following new section: **94:3-b Salary**

Adjustment for Recruitment or Retention. Notwithstanding any other provisions of law to the contrary, upon the request of an appointing authority, the governor and council is hereby authorized and empowered upon a finding by them that it is in the best interests of the state and is necessary in order to recruit and retain or recruit or retain qualified personnel to increase the salary ranges of unclassified positions.

500:16 Death Benefit. Amend RSA 94 by inserting after section 4 the following new section: **94:4-a Death of Official in Office.** In the event any official named in sections 1 and 1-a shall die while in office, his estate shall be paid as a death benefit, an additional twenty days salary beyond the date of death. Any payments made pursuant to this section shall be a charge against the salary adjustment fund.

500:17 Charge Against the Salary Adjustment Fund. Any payments authorized by sections 6, 7, 11, 12, 13, 14, and 15 of this act which are in excess of budgeted funds shall be a charge against the salary adjustment fund.

500:18 New Chapter. Amend RSA by inserting after chapter 98-C (supp) the following new chapter:

Chapter 98-D

Interchange of Employees Between Branches of State Government

98-D:1 Definitions. For the purposes of this chapter:

I. "Employee" shall mean any person employed on a permanent basis in any branch of state government, and any person who has been or will be employed on a temporary basis for a period of not less than six months in any branch of state government.

II. "Official" shall mean, in the case of the executive branch, the chief administrative officer of an office, department, commission, board, or institution; in the case of the legislative branch, the president of the senate, the speaker of the house, the legislative budget assistant, or the director of legislative services; in the case of the judicial branch, the chief justice of the supreme or superior court.

III. "Transferee office" shall mean the administrative unit to which an employee is temporarily transferred pursuant to this chapter.

IV. "Transferor office" shall mean the administrative unit from which an employee is temporarily transferred pursuant to this chapter.

98-D:2 Agreements. Officials of the state government may enter into agreements with officials in other branches for the temporary transfer of employees from one branch to another. Said agreements shall be in writing and shall specify the names of employees to be temporarily transferred, the compensation and benefits which the employee will receive from the transferee office, and the duration of the transfer period, which shall in no case exceed eighteen months. No agreement between officials shall be valid as to an employee unless he shall have read and signed the agreement. A copy of each agreement entered into pursuant to this section shall be retained by each signatory thereto, and a copy shall also be sent to the division of accounts of the comptroller's office at least fourteen days before the beginning of the transfer period.

98-D:3 Cancellation of Agreements. Any agreement entered into pursuant to section 2 may be cancelled by mutual consent of the signatory officials. The division of accounts of the comptroller's office shall be notified in writing by the transferor official of any cancellation.

98-D:4 Compensation of Transferred Employees. During the period of a temporary transfer to another branch, the transferred employee: (1) if an employee of the executive or judicial branch, shall be compensated at no lower rate than that which he is receiving as an employee of the transferor office; (2) if an employee of the legislative branch, shall be compensated in the same manner as other employees of the transferee office who do similar work or who are charged with similar responsibilities. Provided, that if the transferred employee is a member of any state retirement system, the transferee office shall pay the state's portion of retirement contributions for that employee at a rate set pursuant to the provisions of said system. In no case shall a transfer period be considered an interruption of state service.

98-D:5 Supervision. During the transfer period, the transferred employee shall be under the supervision of the official who signed the agreement in behalf of the transferee office or his subordinates. Said official and his subordinates shall have the same rights and responsibilities toward a temporarily transferred employee as they have toward other employees under their supervision.

98-D:6 Status of Transferred Employees. A transferred employee shall for all purposes except compensation and supervision remain an employee of the transferor office.

500:19 Effective Date. This act shall take effect upon its passage.

[Approved July 3, 1969.]

[Effective date July 3, 1969.]

CHAPTER 501.

AN ACT RELATIVE TO THE TREATMENT AND PREVENTION OF ALCOHOL AND DRUG ABUSE AND MAKING APPROPRIATIONS THEREFOR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

501:1 Definitions. Amend RSA 172:1 by inserting after paragraph IX the following new paragraphs:

X. "Abuse of drugs" means the use of controlled drugs solely for their stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and not as a therapeutic agent recommended by a practitioner in the course of medical treatment or in a program of research operated under the direction of a physician, or pharmacologist, physiologist, or chemist.

XI. "Alcohol abuser" means any person whose use of alcohol exceeds accepted social, dietary, and safety standards, or whose characteristic behavior under the influence of alcohol endangers the health, safety, or welfare of others.

XII. "Amphetamine-type drugs" means amphetamine, optical isomers thereof, salts of amphetamine and its isomers, and chemical compounds which are similar thereto in physiological effect, and which show a like potential for abuse;

XIII. "Barbiturate-type drugs" means barbituric acid and its salts, derivatives thereof and chemical compounds which are similar thereto in physiological effect, and which show a like potential for abuse;

XIV. "Cannabis-type drugs" means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such a plant; and every compound manufacture, salt, derivatives, mixture or preparation of such plant, its seeds or resin; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks, except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination. Included are cannabinon, cannabinal and chemical compounds which are similar to cannabinon or cannabinal in physiological effect, and which show a like potential for abuse;

XV. "Cocaine-type drugs" means coca leaves, cocaine, ecgouine, and chemical compounds which are similar thereto in physiological effect, and which show a like potential for abuse;

XVI. "Controlled drugs" are those drugs and chemicals which contain any quantity of a substance which has been designated as subject to federal narcotic laws, or which has been designated as a depressant or stimulant drug pursuant to federal food and drug laws, or which has been by regulation, after investigation and a hearing designated by the division of public health services as having a stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and as having a potential for abuse or physiological and psychological dependence, or both. The division of public health services shall give due notice of the time, place and purpose of all hearings required under this chapter to podiatrists, osteopaths, hospitals, pharmacists, physicians, dentists, veterinarians, laboratories, registered manufacturers, suppliers and to the general public by such means as it shall deem adequate. From and after the hearing date, the sale or dispensations (except by prescription) of a drug or chemical containing any quantity of such substance as is the subject matter of the hearing shall be suspended pending a determination as to whether such substance is to be designated as a controlled drug.

Designation as a controlled drug shall result in the continued suspension of the sale or dispensation (except by prescription) of any drug or chemical containing any quantity of such substance until the effective date of the designation after publication. The substance shall thereafter be a controlled drug subject to this chapter.

In the event any substance is so designated, the division shall publish the designation in a newspaper of general circulation in the state once each week for three successive weeks. The designation shall be effective and any drug or chemical containing any quantity of such substance shall be a con-

trolled drug seven days after the date of the last publication of said designation.

Controlled drugs are classifiable as amphetamine-type, barbiturate-type, cannabis-type, cocaine-type, hallucinogenic, morphine-type and other stimulant and depressant drugs. Specifically excluded from controlled drugs are alcohol, nicotine and caffeine;

XVII. "Drug abuser" means any person who uses controlled drugs solely for their stimulant, depressant, or hallucinogenic effect upon the higher functions of the central nervous system and not as a therapeutic agent recommended by a practitioner in the course of medical treatment or in a program of research operated under the direction of a physician or pharmacologist;

XVIII. "Drug dependence" means a state of physical addiction or psychic dependence, or both, upon a drug following use of that drug upon a repeated periodic or continuous basis except:

(a) Upon a morphine-type drug as an incident to current medical treatment of a demonstrable physical disorder, other than produced by the use of the drug itself, or

(b) Upon amphetamine-type, ataractic, barbiturate-type, hallucinogenic or other stimulant or depressant drugs as an incident to current medical treatment of a demonstrable physical or psychological disorder, or both, other than produced by the drug itself;

XIX. "Drug dependent person" means any person who has developed a state of psychic or physical dependence, or both, upon a controlled drug following administration of that drug upon a repeated periodic or continuous basis. No person shall be classified as drug dependent who is dependent:

(a) Upon a morphine-type drug as an incident to current medical treatment of a demonstrable physical disorder other than drug dependence, or

(b) Upon amphetamine-type, ataractic, barbiturate-type, hallucinogenic or other stimulant and depressant drugs as an incident to current medical treatment of a demonstrable physical or psychological disorder, or both, other than drug dependence;

XX. "Hallucinogenic drugs" are psychodysleptic drugs which assert a confusional or disorganizing effect upon mental processes or behavior and mimic acute psychotic disturbances. Exemplary of such drugs are mescaline, peyote, psilocybin and d-lysergic acid diethylamide;

XXI. "Morphine-type drugs" means morphine and chemical compounds which are similar thereto in chemical structure or which are similar thereto in physiological effect, and which show a like potential for abuse;

XXII. "Other stimulant and depressant drugs" means controlled drugs other than amphetamine-type, barbiturate-type, cannabis-type, cocaine-type, hallucinogenics and morphine-type which are found to exert a stimulant and depressant effect upon the higher functions of a central nervous system and which are found to have a potential for abuse;

501:2 Program Established. Amend RSA 172 by inserting after section 2 the following new section:

172:2-a Program Established. There shall be a program on alcohol and drug abuse within the division of public health of the department of health and welfare to provide for the scientific care, treatment, and rehabilitation of alcohol and drug abusers, and to work towards prevention and assist in the control of alcohol and drug abuse within the state through education, treatment, community organization, and research.

501:3 Duties of Executive Director. Amend RSA 172:8 as amended by 1961, 222:1 by striking out said section and inserting in place thereof the following:

172:8 Duties of Executive Director. Subject to the direction, approval, and supervision of the director of the division of public health, department of health and welfare, the executive director shall:

I. Study the problems presented by alcohol and drug abuse, including methods and facilities available for the care, treatment, custody, employment, and rehabilitation of persons who are inebriates, alcohol abusers, drug dependent, or drug abusers.

II. Promote meetings and programs for the discussion of alcohol and drug dependency and abuse for the guidance and assistance of individuals, schools, courts, and other public and private agencies.

III. Conduct, promote and finance, in full or in part, studies, and other appropriate facilities dealing with the physical, psychological, and/or social aspects of alcohol and drug abuse.

IV. Have the authority to accept or reject for examination, diagnosis, guidance, and treatment, insofar as funds and facilities permit, any resident of the state who comes to the division voluntarily for advice and treatment.

V. Make and enforce rules and regulations respecting the acceptance, care, treatment and discipline of inebriates, drug dependent persons, and alcohol or drug abusers who are patients of this program.

VI. Render biennially to the governor and council and to the general court a report of his activities including recommendations for improvements therein by legislation or otherwise.

VII. Coordinate community medical resources for the emergency medical care of persons suffering acute mental or physical reaction to alcohol or drugs and of persons suffering from drug dependency.

VIII. Employ such assistants as may be necessary to carry out the purposes of this chapter, in accordance with state personnel regulations, and within available appropriations and funds.

IX. Disseminate information on the subjects of alcohol and drug abuse for the guidance and assistance of individuals, schools, courts and other public and private agencies.

501:4 Acceptance of Grants. Amend RSA 172:9 as amended in 1961, 222:1, by striking out in line five the word "division" and inserting in place thereof the following (program on alcohol and drug abuse) so that

said section, as amended, shall read as follows: **172:9 Acceptance of Grants.** The division of public health, department of health and welfare, is authorized to accept in the name of the state special grants or money or services from the federal or state governments or any of their agencies and may accept gifts to carry on the activities of the program on alcohol and drug abuse.

501:5 Facilities and Personnel. Amend RSA 172:10 as amended by 1961, 222:1, by striking out in line six the word "act" and inserting in place thereof the word (chapter), and by inserting in line seven after the word "director" the words (of the program on alcohol and drug abuse) so that said section as amended shall read as follows:

172:10 Facilities and Personnel. On the recommendation of the executive director of the program on alcohol and drug abuse and within the limits of available appropriations and funds, the division of public health, department of health and welfare, may contract for such educational, research, casework, institutional, medical facilities, personnel and services of public or private agencies as are necessary or desirable to carry out the provisions of this chapter. On recommendation of the executive director of the program on alcohol and drug abuse, the division of public health, department of health and welfare, may assign for training such medical, technical and clinical personnel as may be desirable.

501:6 Commitment of Drug Dependent Persons. Amend RSA 172:13 as amended by 1967, 229:1, by inserting after paragraph II the following new paragraphs:

II-a. When a person is indicted for any felony, is bound over by any district or municipal court to await the action of the grand jury for any felony, or is charged with a misdemeanor and a question as to the drug dependency of said person is raised by either party, any justice of the superior, district, or municipal court may after hearing, order such person into the care and custody of the executive director of the program on alcohol and drug abuse for examination to determine whether said person is drug dependent. The executive director shall report the result of his findings to the court in writing.

II-b. If a person examined pursuant to the provisions of paragraph II-a is found to be drug dependent, the superior court having jurisdiction over the criminal action may, after hearing, without regard to the result of the criminal action, issue an order committing said person to the care and custody of the executive director, program on alcohol and drug abuse for a period of not more than twenty-four months. During treatment no further action shall be taken in respect to the original charges made against such a person unless otherwise ordered by the court. The executive director may require that said person remain at the state hospital or may release him conditionally for treatment at any alcohol-drug abuse clinic, a mental health clinic or center, an out-patient facility of the state hospital or other appropriate sources of care. A violation of the conditions of release shall empower the executive director to return said person to in-patient status at the state hospital. The executive director may at any time during the twenty-four month commitment period petition the committing court to modify the conditions of or to terminate said commitment period. A

writ of habeas corpus shall lie in favor of a patient of the program for any abuse of discretion on the part of the executive director regarding conditional release.

II-c. Nothing in this section shall prevent the court from placing a person convicted of a violation of RSA 318-B on probation conditioned upon the requirement that the person receive treatment at a treatment facility (alcohol-drug abuse clinic, mental health clinic or center, outpatient facility of the New Hampshire Hospital or other appropriate sources of care) designated by the executive director of the program on alcohol and drug abuse.

501:7 Confidentiality of Patient Records. Amend RSA 172 by inserting after section 8, the following new section: **172:8-a Confidentiality of Patient Records.** No reports or records or the information contained therein on any patient of the program or any patient referred by the program shall be discoverable by the state in any criminal prosecution. No such reports or records shall be used for other than rehabilitation, research, statistical or medical purpose, except upon the written consent of the person examined or treated. Confidentiality shall not be construed in such manner as to prevent recommendation by the executive director to a referring court.

501:8 Appropriation. There is hereby appropriated the sum of sixty-two thousand five hundred dollars for the fiscal year ending June 30, 1970 and a like sum for the fiscal year ending June 30, 1971. Of these sums, seven thousand five hundred dollars is appropriated in the budget of the department of education for the fiscal year ending June 30, 1970 and a like sum for the fiscal year ending June 30, 1971; fifteen thousand dollars is appropriated in the budget of the division of public health services of the department of health and welfare for the fiscal year ending June 30, 1970 and a like sum for the fiscal year ending June 30, 1971; forty thousand dollars is appropriated in the budget of the division of state police in the department of safety for the fiscal year ending June 30, 1970 and a like sum for the fiscal year ending June 30, 1971. The commissioners of education, health and welfare, and safety are directed, with the approval of governor and council, to budget these sums in order to most effectively achieve the purposes of this act.

501:9 Repeal. RSA 172:2, relating to the purpose of a state program of alcoholism control, is hereby repealed.

501:10 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 502.

AN ACT RELATIVE TO THE REGULATION OF DEBT POOLING.

Be it Enacted by the Senate and House of Representatives in General Court convened:

502:1 New Chapter on Debt Adjusters. Amend RSA by inserting after chapter 399-C (supp) the following new chapter:

**Chapter 399-D
Debt Adjusters**

399-D:1 Definitions. As used in this chapter, "commissioner" means the bank commissioner; "debt adjustment" means receiving, for a fee or compensation and as agent of a debtor, money or evidences thereof for the purpose of distributing such money or evidences thereof among creditors in full or partial payment of obligations of the debtor.

399-D:2 License.

I. No person, firm or corporation shall engage in the business of debt adjustment without a license issued in accordance with the provisions of this chapter. Any person, firm or corporation desiring to obtain such a license shall file with the commissioner an application in writing, under oath, setting forth, if a sole proprietorship, the name and address of the person, the name he is doing business under and the exact location and address of his office; if a corporation or association, the name, exact office location and address of the corporation or association and the names and addresses of all officers, directors and stockholders thereof, and, if a partnership, the partnership name, the exact office location and address and the names and addresses of all who have an interest as partners. Each application shall designate the name and address of the manager or the person in charge at each licensed location. A separate application shall be made and a separate license shall be issued for each office in which the business of debt adjustment is conducted. Such application shall be accompanied by a current financial statement certified to by a certified public accountant or a public accountant and a license fee of one hundred dollars for each office and an investigation fee of fifty dollars. If the license application is denied or withdrawn, such license fee shall be returned.

II. Each licensee shall furnish with his application a blank copy of the contract he intends to use between himself and the debtor and shall notify the commissioner of all changes and amendments thereto. The terms and conditions of all contracts shall be subject to approval by the commissioner.

III. Each license issued under this chapter shall expire on June thirtieth next following its issuance unless sooner surrendered, revoked or suspended, but may be renewed as provided in this chapter.

IV. The application shall be accompanied by an appointment of the commissioner as agent of the applicant for service of process in this state. Service upon the commissioner shall be sufficient service upon any licensee under this chapter.

V. The application shall state that the names provided under para-

graph I of this section include all persons, firms or corporations who have a financial interest, directly or indirectly, in such business.

399-D:3 Bond of Applicant.

I. Each applicant shall submit to the commissioner, with his application for a license, a bond, in such form as the commissioner shall direct, in the amount of ten thousand dollars, or such greater amount as the commissioner may determine is required by the business circumstances of the applicant. The applicant shall be the obligor in such bond and an insurance company authorized to transact the business of fidelity and surety insurance in this state shall be the surety. In lieu of such bond, the commissioner may accept from any applicant a deposit in cash, a certified check payable to the state treasurer or United States government bonds.

II. The bond shall run to the state of New Hampshire for the use of the state and of any person or persons who may have a cause of action by virtue of the activities of the applicant in debt adjustment. The bond shall be conditioned that the obligor will faithfully conform to and abide by the provisions of this chapter and any regulation, order or directive issued hereunder, and he will well and faithfully perform the obligations and duties of all debt adjustment contracts into which he may enter, and will well and faithfully account for all funds entrusted to him by a debtor.

III. Each bond shall remain in effect until the surety is released from liability by the commissioner, or until the bond is canceled by the surety. Any surety may cancel a bond upon thirty days' written notice to the commissioner, but no such cancellation shall affect any liability which arises prior to the termination of such thirty-day period. Upon the cancellation of a bond by a surety, the licensee shall file a new bond with the commissioner or his license shall be automatically suspended at the end of such thirty-day period.

IV. Any debtor who may be damaged by the neglect, default or wrongful act of a licensee may proceed on such bond against the obligor or surety thereon, or both, to recover damages. Any licensee, upon his own motion, may be made a party to any such action.

399-D:4 Investigation of Applicant. Upon the filing of the application and the payment of the fees and before approval of the application, the commissioner shall cause an investigation of the applicant to be made and, if he finds that the financial responsibility, experience, character, general fitness and exact office location of the applicant, its manager or managers and of the members thereof, if the applicant is a partnership or an association, and of the officers and directors thereof, if the applicant is a corporation, are such as to command the confidence of the community and to warrant belief that the business will be operated fairly and honestly within the purposes of this chapter, and that the applicant and its managers or the applicant, its managers and the members thereof or the applicant, its managers and the officers and directors thereof have not been convicted of any crime involving moral turpitude, and that none of such persons has had a record of having defaulted in the payment of money collected for others, including the discharge of such debts through bankruptcy proceedings, and that no attorney actively engaged in the practice of law

in this state has a financial interest, directly or indirectly, in such business, the commissioner shall approve the bond and issue to the applicant a license to engage in debt adjustment in accordance with the provisions of this chapter. The commissioner may require as part of the application a credit report and such other information as he may deem necessary.

399-D:5 Renewal of License. Each licensee, on or before June thirtieth annually, may make application, on a form to be prescribed by the commissioner, to said commissioner for renewal of its license, such application to state, under oath, any change in the information provided in the previous application. Such application shall be accompanied by a current financial statement certified to by a certified public accountant or a public accountant and a fee of one hundred dollars, together with a bond as in the case of an original application. A separate application shall be made and a separate license shall be issued for each office. If the renewal application is denied or withdrawn the fee shall be returned.

399-D:6 Investigation of Complaints. Revocation, Suspension or Refusal to Renew License. The commissioner shall cause an investigation to be made of all complaints against licensees. He may, upon hearing, after ten days' written notice to the licensee, revoke, suspend or refuse to renew any license issued under this chapter for the following causes: (a) Conviction of a crime involving moral turpitude; (b) violation of any provision of this chapter; (c) fraud or deceit in procuring the issuance of a license under this chapter; (d) maintenance of a continuous course of unfair conduct, or (e) insolvency, filing in bankruptcy or receivership, or assigning for the benefit of creditors by any licensee or applicant for a license under this chapter. The licensee shall pay the expenses of any investigation made under the provisions of this chapter.

399-D:7 Posting of License; Nontransferable; Change of Location. Each license shall be posted conspicuously in the place of business for which it is issued. No license shall be transferable or assignable and the licensee shall be limited solely to the business of debt adjustment. No licensee shall change his location unless authorized by the commissioner.

399-D:8 Contract with Debtor. Each licensee shall make a written contract between himself and a debtor in such form and containing such conditions as the commissioner shall have approved, and immediately furnish the debtor with a true copy thereof. Such contract shall set forth the complete list of the debtor's obligations to be adjusted, a complete list of the creditors holding such obligations, the total charges agreed upon for the services of the licensee and the beginning and expiration date of the contract. No licensee shall enter into a contract in which the debtor's obligations will not be discharged within twenty-four months, exclusive of contractual debts which exceed the twenty-four month period.

399-D:9 Separate Bank Account for Benefit of Creditors; Books and Records. Each licensee shall maintain a separate bank account for the benefit of debtors in which all payments received from debtors for the benefit of creditors shall be deposited within twenty-four hours of receipt thereof and in which all payments shall remain until a remittance is made to either a debtor or a creditor. Every licensee shall keep, and use in his business, books, accounts and records which will enable the commissioner

to determine whether such licensee is complying with the provisions of this chapter and with the regulations of the commissioner. Every licensee shall preserve such books, accounts and records for at least seven years after making the final entry on any transaction recorded therein.

399-D:10 Annual Examination of Affairs of Licensee. The commissioner shall examine without notice the condition and affairs of each licensee at least once each year. In connection with any examination, the commissioner may examine on oath any licensee, and any director, officer, employee, customer, creditor or stockholder of a licensee, concerning the affairs and business of the licensee. The commissioner shall ascertain whether the licensee transacts its business in the manner prescribed by law and the regulations issued hereunder. The licensee shall pay the actual cost of the examination as determined by the commissioner, which fee shall be deposited in the state treasury to the credit of the general fund. Failure to pay the examination fee within thirty days of receipt of demand from the commissioner shall automatically suspend the license until the fee is paid. In the investigation of alleged violations of this chapter, the commissioner may compel the attendance of any person or the production of any books, accounts, records and files used therein; and may examine under oath all persons in attendance pursuant thereto.

339-D:11 Fee of Licensee.

I. The fees of the licensee shall be agreed upon in advance and stated in the contract and provision for settlement in case of cancellation or prepayment shall be clearly stated in the contract. Fees shall be amortized equally each month over the length of the contract and no licensee shall be entitled to any fee until the contract has been in full force for thirty days and thereafter the monthly amortized amount may be applied to charges at thirty day intervals, while the contract is in full force and effect, except in the event of prepayment or cancellation. No licensee shall be entitled to any fee against the debtor, upon any contract, until the debt adjustment program is arranged and approved by the debtor. A contract shall not be effective until a debtor has made a payment to the licensee for distribution to his creditors. The licensee may request a deposit of ten dollars upon the signing of the contract. Said deposit shall be held in escrow by the licensee. In the event that the debtor fulfills the conditions of the contract the deposit shall be returned. In the event that the debtor fails to make payment in accordance with the contract for a period in excess of sixty days said deposit shall be forfeited.

II. A licensee shall not receive any fee unless he has the written consent of such number of creditors as hold obligations representing at least twenty-five per cent of the total amount of indebtedness and twenty-five per cent of the total number of the creditors listed in the licensee's contract with the debtor, or unless a like number of creditors have accepted a distribution of payment. Creditors or their attorneys shall have access to all records relative to such consent for verification.

III. The fees received by a licensee shall not exceed the percentage of the amount required to pay indebtedness as follows: (a) Not more than ten percent when the plan of payment is for a period of ten months or less; (b) not more than twelve and one-half percent when the plan of pay-

ment is for a period of more than ten months but less than eighteen months; (c) not more than fifteen percent when the plan of payment is for a period of eighteen months or more.

IV. In the event of prepayment of the listed debts, or cancellation by the debtor upon thirty days' written notice to the licensee, or cancellation by the licensee after wilful default for more than thirty days by the debtor, and if the licensee has performed all of the services required by this chapter and by the terms of the contract, the licensee shall be entitled to a cancellation charge which is five percent of that portion of the agreed service charge which is due and unpaid for the unexpired term of the contract as of the time of such prepayment or cancellation, but in no event more than fifty dollars. The licensee shall notify in writing the creditors of the debtor or their attorneys of such cancellation within ten days thereof.

399-D:12 Licensee's Duties.

I. Each licensee shall: (a) Keep complete and adequate records during the term of the contract and for a period of seven years from the date of cancellation or completion of the contract with each debtor, which records shall contain complete and accurate information regarding the contract, payments, disbursements and charges, and shall be open to inspection by the commissioner and his duly appointed agents during normal business hours; (b) make remittances to creditors within ten days after receipt of any funds, less prorated fees, unless the reasonable payment of one or more of the debtor's obligations requires that such funds be held for a longer period so as to accumulate a sum certain, and (c) furnish the debtor a written statement of his account each ninety days, and at the termination or cancellation of the contract, or a verbal accounting at any time the debtor may request it during normal business hours.

II. No licensee shall accept an account unless a written and thorough budget analysis indicates that the debtor can reasonably meet the requirements indicated by the budget analysis.

III. No licensee shall enter into a contract for a longer period of time than is reasonable and consistent with the budget analysis, unless a written statement by the debtor specifically indicates the debtor's desire to make lower payments over the extended period, at a greater fee, as provided in paragraph III of section 11 of this chapter.

IV. If a compromise of a debt is arranged by the licensee with any one or more creditors, the debtors shall have the full benefit of such compromise.

399-D:13 Prohibited Acts. No licensee shall: (a) Purchase from a creditor any obligation of a debtor; (b) operate as a collection agent and as a licensee as to the same debtor's account; (c) execute any contract or agreement to be signed by the debtor unless the contract or agreement is fully and completely filled in and finished; (d) receive or charge any fee in the form of a promissory note or other promise to pay, or receive or accept any wage assignment, mortgage or other security for any fee, both as to real or personal property; (e) pay any bonus or other consideration to any person for the referral of a debtor to his business or accept or receive any bonus, commission or other consideration for referring any debtor to any

person for any reason, or (f) advertise, display, distribute, broadcast or tele-
vise or permit to be displayed, advertised, distributed, broadcasted or tele-
vised his services, rates or terms in any manner whatsoever wherein any
false, misleading or deceptive statement or representation is made with
regard to the services to be performed by the licensee or the charges to be
made therefor.

399-D:14 Regulations. The commissioner from time to time may
establish and promulgate such regulations as he deems necessary to admin-
ister and enforce the provisions of this chapter.

399-D:15 Exceptions. The provisions of this chapter shall not apply
to the following: (a) Any attorney admitted to the practice of law in this
state, when engaged in such practice; (b) any bank, fiduciary or financing
or lending institution authorized to transact business in this state, which
performs debt adjustment in the regular course of its principal business;
(c) any title insurance or abstract company authorized to transact business
in this state, while doing an escrow business; (d) any person acting pur-
suant to any law of this state or of the United States or acting under the
order of a court; (e) any bona fide nonprofit religious, fraternal or co-
operative organization offering debt adjustment services, and (f) any em-
ployee of a licensee when acting in the regular course of his employment.

399-D:16 Licensee not to Perform Legal Services or be Associated with Attorney. Nothing contained in this chapter shall be construed to author-
ize any licensee to engage, and no licensee shall engage, in the practice of
law, offer to perform or perform any legal service or offer to give or give
any legal advice. No licensee shall by any means represent or imply that
he is authorized or competent to furnish legal advice or perform legal
services; assume authority on behalf of any creditor or debtor or accept a
power of attorney authorizing him to employ or terminate the services of
an attorney or to arrange the terms of or compensate for such services;
communicate with any debtor or creditor or any other person in the name
of an attorney or upon the stationery of an attorney; prepare any form or
instrument which only an attorney is authorized to prepare; be associated,
directly or indirectly, with any attorney, borrow money from or pledge
assets to any attorney, or refer any debtor to any particular attorney.

399-D:17 Reference to Bond or State Approval Prohibited. No
licensee shall use, attempt to use or make reference to, either directly or in-
directly, any word or phrase which states or implies that he is bonded,
approved, bonded by the state or approved by the state.

399-D:18 Penalties.

I. Any person who engages in debt adjustment without a license as
required by this chapter shall be fined not more than one thousand dollars
or imprisoned not more than one year, or both, for each violation. Each
day on which a person engages in debt adjustment without a license as
required by this chapter shall be construed as a separate violation.

II. Any person who violates any other provision of this chapter shall
be fined not more than one thousand dollars for the first offense, and for
each subsequent offense shall be fined not more than one thousand dollars
and imprisoned not less than thirty days nor more than one year.

399-D:19 Debt Adjusters License Fund. The bank commissioner shall keep a separate account, in the state treasurer's office, to be known as the debt adjusters license fund. Moneys received from payment of fees under this chapter shall be credited to the debt adjusters license fund. This fund may be expended by the commissioner with the approval of the governor and council for the purpose of supervising persons subject to the provisions of this chapter.

502:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

CHAPTER 503.

AN ACT RELATIVE TO FIRE INSURANCE RATES IN ZONES PROTECTED UNDER
MUTUAL ASSISTANCE AGREEMENTS AND INSURANCE AT
CANNON MOUNTAIN AND MOUNT SUNAPEE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

503:1 Fire Insurance Rates. Amend RSA 414:3 (b) by inserting in line ten after the word "available" the following (including but not limited to consideration of the availability of hydrants; the availability and condition of fire equipment; the availability of reliable water supply (pressure and quantity) and the availability of a fire department labor force including the value of a mutual aid system) so that said paragraph as amended shall read as follows: (b) Due consideration shall be given to past and prospective loss experience within and outside this state, to the conflagration and catastrophe hazards, if any, to a reasonable margin for underwriting profit and contingencies, to dividends, savings or unabsorbed premium deposits allowed or returned by insurer to their policyholders, members or subscribers, to past and prospective expenses both countrywide and those specially applicable to this state, and to all other relevant factors within and outside this state, and in the case of fire insurance rates consideration shall be given to the experience of the fire insurance business during a period of not less than the most recent five-year period for which such experience is available, including but not limited to consideration of the availability of hydrants; the availability and condition of fire equipment; the availability of a reliable water supply (pressure and quantity) and the availability of a fire department labor force including the value of a mutual aid system.

503:2 Aerial Tramways. Amend RSA 227:2 as amended by 1961, 223:3 by striking out in lines one and two the words "fire, extended coverage or marine" so that said section as amended shall read as follows:
227:2 Insurance. The department shall procure liability insurance through the director of purchase and property, who shall consult with the board of approval established by RSA 93:2.

503:3 Mt. Sunapee. Amend RSA 227:10 as amended by 1961, 223:3 by striking out in lines two and three the words "fire, extended coverage or marine" so that said section as amended shall read as follows: **227:10 Insurance.** The department or agency having charge of the Mt. Sunapee aerial tramway shall procure liability insurance through the director of purchase and property, who shall consult with the board of approval established by RSA 93.

503:4 Appropriation. There is hereby appropriated the sum of thirty thousand dollars for fiscal year 1970, and a like sum for fiscal year 1971, to be expended by the division of parks for the purpose of purchasing liability insurance pursuant to the provisions of RSA 227:2 and 227:10. Said appropriation shall not be transferred or used for any other purpose. The governor is authorized to draw his warrants for said sums out of any money in the treasury not otherwise appropriated.

503:5 Appropriation. There is hereby appropriated the sum of thirteen thousand dollars for fiscal year 1970, and a like sum for fiscal year 1971, to be expended by the insurance department for the rent, lights, heat and maintenance expenses of its quarters. The governor is authorized to draw his warrants for said sum out of any money in the treasury not otherwise appropriated.

503:6 Forest Management Supervisor. There is hereby established the unclassified position of cooperative forest management supervisor in the department of resources and economic development to work in conjunction with the director of the division of resources development. There is hereby appropriated for the biennium ending June 30, 1971 the sum of five thousand dollars in state funds and any available federal matching funds for the purposes of this section. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

503:7 Effective Date. This act shall take effect upon its passage.
[Approved July 3, 1969.]
[Effective date July 3, 1969.]

CHAPTER 504.

AN ACT RELATIVE TO CERTIFICATE OF TITLE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

504:1 Exempted Vehicles. Amend RSA 269-A:2, I (a) (supp) as inserted by 1967, 357:1 by striking out said subparagraph and inserting in place thereof the following: (a) a vehicle owned by the United States, state of New Hampshire, or any political subdivision thereof.

504:2 Utility Trailers. Amend RSA 269-A:2, I by inserting after subparagraph (i) (supp) the following new subparagraphs:

(j) trailers with gross weight of less than three thousand and one pounds.

(k) a motor vehicle manufactured prior to 1964 manufacturer's model year.

504:3 Application for Certificate. Amend RSA 269-A:7, IV (supp) as inserted by 1967, 357:1 by striking out said paragraph and inserting in place thereof the following: IV. The director shall furnish every town clerk and may furnish to certain dealers and financial institutions, forms for application for certificate of title and shall have such forms available at the office of the division. Said forms shall be prepared in typewritten form from information supplied by the owner, either by an employee of the division, town clerk, such dealer or such financial institution. Every application for certificate of title shall be examined by the town clerk to determine whether it has been completed according to law. For preparation, examination, record keeping, and filing of such forms as herein provided a town clerk shall be paid a fee of one dollar by the owner for each application, which shall be in addition to any other fees required under the provisions of this chapter. For preparation of such forms and remittance of required fees by such a dealer or such a financial institution, said dealer or institution may charge a maximum fee not to exceed one dollar. In the event said dealer or institution charge more than said maximum he or it shall be fined not more than fifty dollars.

504:4 Vehicles Purchased from Dealer. Amend RSA 269-A:7, II (supp) as inserted by 1967, 357:1 by striking out in line five the words "promptly mail or deliver the application to the director" and inserting in place thereof the words (within ten days of the date of sale mail or deliver to the director the application and other supporting documents as required by the director) so that said paragraph as amended shall read as follows: II. If the application refers to a vehicle purchased from a dealer, it shall contain the name and address of any lienholder holding a security interest created or reserved at the time of the sale and the date of his security agreement and be signed by the dealer as well as the owner, and the dealer shall within ten days of the date of sale mail or deliver to the director the application and other supporting documents as required by the director.

504:5 Vehicles Not Purchased from Dealer. Amend RSA 269-A:7 by inserting after paragraph IV (supp) the following new paragraph: V. If the application refers to a vehicle not purchased from a dealer, it, and other supporting documents as required by the director, shall within ten days of the date of sale be mailed or delivered to the director by the owner.

504:6 Removal. Amend RSA 269-A by inserting after section 20 (supp) the following new section: **269-A:20-a Removal of Vehicle Identification Plate.** No person or persons shall remove or cause to be removed a vehicle identification number plate assigned to a vehicle by the manufacturer or the director of motor vehicles for the purpose of concealing the identity of a motor vehicle as defined in RSA 259:1, XXXIV and it shall be unlawful for any person or persons to have in his possession for such purpose such a vehicle identification number plate.

504:7 Fees. Amend RSA 269-A:28 by inserting after paragraph II (supp) the following new paragraph: III. No fee shall be charged for a

certificate of title to a motor vehicle owned by a veteran who is either an amputee or blind as a result of a service connected disability as certified by the Veterans Administration.

504:8 Effective Date. This act shall take effect upon its passage.

[Approved July 3, 1969.]

[Effective date July 3, 1969.]

CHAPTER 505.

AN ACT MAKING APPROPRIATIONS FOR CAPITAL IMPROVEMENTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

505:1 Appropriation. The sum of eight million, two hundred thirty-seven thousand, four hundred fifty eight dollars is hereby appropriated for the projects detailed in this section for the purpose of capital improvements and long term repairs, which purpose includes such related improvements, facilities, equipment, and furnishings as are necessary to complete the same.

The appropriations for the projects are as follows:

I. Adjutant general:

(a) Drain, grade and pave parking area
at Manchester armory

Total project	\$ 60,000
Less highway funds	15,000
Net appropriation	\$ 45,000*

*This project is not to be commenced until the new approaches to the Amoskeag Bridge are completed.

II. Administration and control:

(a) For purchase, repairs and renovation
of old post office including expense of moving
departments

600,000

(b) Point, steam clean and repair
exterior of State House annex

74,625

(c) Replace electrical switchboard and
make necessary renovations to the electrical
system in state house and state house annex

65,000

Total paragraph II

739,625

III. Aeronautics commission:

(a) Berlin municipal airport, Berlin:
Electronic air navigation aids and runway and
identifier lights, and apron expansion

\$ 28,500

(b) Concord municipal airport, Concord:
Electronic air navigation aids and runway and
taxiway improvements

72,500

(c) Dillant-Hopkins airport, Keene:		
Electronic air navigation aids	\$22,500	
Terminal building (state share)	75,000	97,500
(d) Laconia municipal airport, Laconia:		
Electronic air navigation aids, taxiway extension, and approach lighting system		74,750
(e) Lebanon regional airport, Lebanon:		
Electronic air navigation aids, parallel taxiway, runway light cable renewal, and obstruction removal	88,200	
(f) Grenier field, Manchester:		
Land acquisition and obstruction removal, approach lighting system and hi-intensity runway lights	150,000	
(g) Boire field, Nashua:		
Electronic air navigation aids	22,500	
(h) Whitefield Airport, Whitefield:		
Electronic air navigation aids	22,500	
Total paragraph III		556,450*

*This appropriation shall be for the development and improvement of air navigation facilities under the following conditions: (a) if used to augment local funds, to be spent in the ratio of twenty-five per cent state funds to twenty-five per cent local funds for the development and improvement of air navigation facilities with federal aid under the federal aid airport program; or (b) if used to augment local funds, to be spent in the ratio of fifty per cent state funds to fifty per cent local funds on joint state and local projects which do not qualify for federal aid, subject to determination by the commission that such a project satisfies a public need; or (c) if used to augment federal funds, to be spent in the ratio of fifty per cent state funds to fifty per cent federal funds; or (d) if used for land acquisition or for electronic air navigation aids, no federal and/or local matching funds shall be required.

IV. Agriculture:

(a) Renovation of two rooms in the state house annex for weights and measures laboratory	19,000
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V. Centralized automated data processing:

(a) Construction of building, including utility connections, driveway, parking area, consultants fees and contingencies	495,000*
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*This facility shall be located on state owned land on Concord Heights with adequate land allocated for future expansion.

VI. Education:

(a) Manchester vocational institute:	
(1) Replace shop machinery	\$22,500
(2) Construct parking area	49,000
(b) Portsmouth vocational institute:	
(1) Replace shop machinery	65,000
(c) Berlin vocational institute:	
(1) New machinery	35,000

(2) Two-story classroom addition	
Building	\$400,000
Furnishing and equipment	100,000
Parking area	30,000
Architects fee	42,500
Contingencies	20,000
	592,500*

Total paragraph VI 764,000*

*This authorized appropriation shall be reduced by applicable Federal funds.

VII. Health and welfare:

(a) Laboratory building:	
(1) Site development and utilities	\$ 160,000
(2) General construction	1,690,000
(3) Architectural fee	150,000
(4) Built-in lab equipment	265,000
(5) Contingencies	66,000
(6) Air conditioning	200,000

Total subparagraph (a) 2,531,000*

*This authorized appropriation shall be reduced by applicable federal funds.

Footnote: This facility shall be the state central laboratory building and shall include laboratory requirements of the Department of Water Supply and Pollution Control, Department of Health and Welfare and the Department of Agriculture.

(b) New Hampshire Hospital:	
(1) Sprinkler & fire alarm system	\$ 59,000
(2) X-ray facilities	38,400
(3) Complete Tobey building floors	55,000
(4) Laundry folders	13,000
(5) Emergency lighting	57,000
(6) Stand-by emergency generator	15,000
(7) Admissions, diagnostic & intensive	

treatment center — planning & engineering 50,000*

Total subparagraph (b) 287,400*

*This authorized appropriation shall be reduced by applicable Federal funds.

(c) Laconia state school:	
(1) Laundry renovation	\$ 36,000
(2) Replace Sanborn building	490,000*
(3) Water pumps & by-pass connections	10,000
(4) Replace steam pipes & valves	19,500
(5) Baker I renovation and addition	97,500
(6) Training and education complex,	

planning and working drawings 85,000*

Total subparagraph (c) 738,000*

*This authorized appropriation shall be reduced by applicable Federal funds.

Total paragraph VII \$3,556,400

VIII. Industrial school:	
(a) Renovate school buildings	\$ 50,000
(b) Repair boiler & storage tank	10,000
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Total paragraph VIII	60,000
IX. Judicial:	
(a) Furnishings and library equipment	100,000
X. Public works and highways:	
(a) Completion of elevator installation	
Morton building **Charge to highway fund	32,000**
(b) Engineering and construction of new	
sewage treatment and disposal system at summit	
of Mt. Washington	88,000*
(c) Engineering and construction of Mt.	
Washington water storage and distribution facilities	67,500*
(d) Refurbish exterior, interior and sanitary	
facilities Summit building, Mt. Washington	35,000*
(e) Emergency repairs to Tip Top house,	
Mt. Washington	8,000*
Total paragraph X	230,500*
*This authorized appropriation shall be reduced by applicable Federal funds.	
XI. Resources and Economic development:	
(a) Parks division	
(1) Miscellaneous purchase	
lands and buildings, including among others,	
Bedell Bridge and Pierce Homestead adjacent	
property	\$95,000
Less federal funds	20,000
	<hr/>
Net appropriation	75,000
(2) Planning and engineering Franconia	
Flume and Lafayette campground*	100,000
(3) Construction of addition to Peabody	
slope base lodge, including sewerage facilities and	
replacement of old T-bar and the mid-lift unloading	
area on the Peabody chair lift	\$500,000
Less Federal funds	250,000
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Net appropriation	250,000
(4) Improvements to state park toilets,	
water supply and sewerage facilities at	
Bear Brook, Clough, and Crawford Notch	66,000
(5) Hampton seawall maintenance	50,000
(6) Sewerage disposal system for	
Mt. Sunapee State Park	60,000*
(7) Robert Frost Homestead	
Engineering, plans and restoration	7,500
(8) Sunapee Beach, Newberry	

Bathhouse, toilet, and sanitary facilities and vending building	\$132,000
Less Federal funds	50,000

Net appropriation	82,000
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Total paragraph XI	690,500
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*This authorized appropriation shall be reduced by applicable Federal funds.

XII. State library:

(a) Renovate state library	\$150,000
Less Federal funds	75,000

Net appropriation	75,000
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XIII. State prison:

(a) Repair and replace machinery and equipment	39,145
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XIV. State liquor commission:

(a) New liquor store Portsmouth rotary I-95	
(1) Building	\$225,000
(2) Equipment	25,000
(3) Site development	50,000
(4) Utility connections	5,000
(5) Architect's fee	24,000
(6) Contingencies	11,000

Total (a)	340,000
(b) Renovations and addition to Salem store	100,000
(c) Renovations and addition to South end store in Nashua #50	95,000

Total paragraph XIV	535,000
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XV. Water resources:

(a) Dam reconstruction	
(1) Great East dam, Wakefield	30,000
(2) Pequaket Pond dam, Conway	25,000
(3) Little Sunapee Lake dam	15,000
(4) Horn Pond dam, Wakefield	12,000
(5) Cold River watershed project (jointly with state of Maine)	4,300

Total subparagraph (a)	86,300
(b) Highway relocation Baker River site #1	142,000
(c) Sugar River site D-1 (state share only)	103,538

Total paragraph XV	331,838
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Total section 1	\$8,237,458
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505:2 Appropriation. The sum of six million, five hundred twenty-nine thousand, four hundred dollars is hereby appropriated for the projects detailed in this section for the purpose of purchasing, constructing, furnishing, and equipping new educational facilities and alterations and additions to certain present buildings, services, and utilities at the University of New Hampshire as follows:

I. Durham campus:	
(a) Renovation of buildings	\$750,000
(b) Renovation to Hewitt Hall and garage #5	160,000
(c) Construction of new garage facility	175,000
(d) Alteration to Hood House	25,000
(e) Utilities expansion and replacement	500,000
(f) Improvement of parking facilities, including Lewis Field	50,000
(g) Alterations and additions to Paul Creative Arts center, including air-conditioning of music wing and auditorium	810,000
Total paragraph I	<hr/> \$2,470,000

II. Keene State College:	
(a) Library addition	596,400
(b) Purchase Elliot Community Hospital building*	1,300,000
(c) Planning and engineering for proposed use of Elliot Community Hospital	50,000
(d) New electrical substation and distribution system	150,000
(e) Campus exterior lights	34,000
Total paragraph II	<hr/> 2,130,400

*This appropriation shall not be expended until fiscal 1972; however \$500,000 of these funds may be placed in an escrow account, with the State Treasurer as escrow agent, to bind the agreement between the University of New Hampshire and the Elliot Community Hospital. The interest on said escrow account shall be credited to the general funds of the state, and the state shall assume the interest on said escrow funds.

III. Plymouth State College	
(a) Library addition	1,324,000
(b) Boiler plant expansion	124,000
(c) Physical education and athletic fields: Construction of parking area, grading and seeding athletic field and construction of tennis courts	100,000
(d) Extension of outside utilities	
(1) Silver Hall, exterior electrical	13,000
(2) Steam loop system,	

architectural and engineering fees,
administrative costs and
contingencies

63,000

Total subparagraph (d)	76,000
(e) Speare School Equipment, partitions, remodelling for administration use	25,000
Total paragraph III	1,649,000
IV. Land acquisition (all campuses)	200,000
V. N. H. Network Purchase and installation of a television antenna to be erected on Mt. Saddleback	80,000
Total section 2	\$6,529,400

505:3 Appropriation. The sum of four million, eight hundred ten thousand, nine hundred fifty dollars is hereby appropriated for the purpose of constructing, furnishing and equipping housing, dining facilities and utilities at the University of New Hampshire as follows:

I. Durham campus:	
(a) Alterations and expansion of food service and dining halls	562,950
(b) Dormitory for 440 students	
(1) Building with site development	3,055,000
(2) Furnishings and equipment	350,000
(3) Fees, tests, super- vision and administrative	195,000
Total subparagraph (b)	3,600,000
(c) Outside utilities expansion (proportional share)	148,000
Total paragraph I	\$4,310,950
II. Plymouth campus:	
(a) Student union building	500,000
Total section 3	\$4,810,950

505:4 Appropriation. The sum of six hundred eighty-one thousand dollars is hereby appropriated for the purpose of constructing, furnishing and equipping a womans' dormitory at the New Hampshire Technical Institute in Concord as follows:

I. Womans' dormitory	
(a)	
(1) Building	550,000

(2) Parking area site	25,000
(3) Utilities	10,000
(4) Furnishings & equipment	30,000
(5) Architect's fees	41,000
(6) Contingencies	25,000

Total section 4

\$ 681,000*

*This authorized appropriation shall be reduced by applicable Federal funds.

The State Treasurer shall establish a separate account for the payment of the debt service and maintenance of said building and these charges shall be covered by student fees paid into said account.

505:5 Expenditures, General. The appropriation made for the purposes mentioned in section 1 and 4 and the sums available for those projects shall be expended by the trustees, commission, commissioner, or department head of the institutions and departments referred to herein, provided that all contracts for projects and plans and specifications therefor, shall be awarded in accordance with the provisions of RSA 228.

505:6 Expenditures, University of New Hampshire.

I. The appropriations made for the purposes mentioned in sections 2 and 3 and the sums available for these projects shall be expended by the trustees of the University of New Hampshire. All contracts for the construction of all or any part of said building or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each of two successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less than thirty days prior to the date the bids will be received.

II. Availability of Appropriation. The appropriations made in sections 2 and 3 are available for all costs incident to the erection, furnishing, and equipping of these facilities including the necessary extension of utilities and includes the cost of the services of architects, engineers, and other consultants of such kind and capacity as the university board of trustees may, in its discretion, wish to employ on such terms and conditions as the board determines, and include the cost of furnishings and equipping the facilities with movable equipment and furnishings not affixed to the buildings, and which are not listed in the specifications approved for implementation of the construction plans. These monies shall be spent under the direction of the university board of trustees.

III. Rejection of Low Bids. If, in the judgment of the trustees of the university, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder, or if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. Rejection of All Bids. The board of trustees of the university has the right to reject any and all bids and, if the lowest bid is in excess of

the appropriation, the board has the right to negotiate with the low bidder or with the three lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

505:7 Land Acquisition. Any land acquired under the appropriations made in section 1, except such land, if any, as may be acquired under the appropriation for water resources board, shall be purchased by the commissioner of public works and highways, with the approval of governor and council.

505:8 Bonds Authorized. To provide funds for the appropriations made in sections 1, 2, 3, and 4 of this act the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of twenty million, two hundred fifty-eight thousand, eight hundred eight dollars and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

505:9 Payments. The payment of principal and interest on bonds and notes issued for the projects in sections 1, 2, 3, and 4 shall be made when due from the general funds of the state.

505:10 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187:24, or appropriation in lieu thereof, for each fiscal year such sums as may be necessary to meet interest and principal payments in accordance with the terms and conditions of the bonds or notes issued for the purposes of sections 2 and 3 hereof.

505:11 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To establish the priority of undertaking any projects hereinbefore enumerated in section 1.

II. To cooperate with and enter into such agreements with the federal government or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

III. To accept any federal funds which are or become available for any project under section 1 beyond the estimated amounts. Such funds shall reduce appropriations and the bond authorizations made under these sections accordingly.

505:12 Transfers. The individual project appropriation, as provided in sections 1, 2, 3, and 4 shall not be transferred or expended for any other purpose; provided however, that the governor and council may transfer any balance remaining after completion of any individual project to other projects within the same section.

505:13 Additional Appropriation. The sum of one hundred seventy thousand dollars is hereby appropriated to be added to the capital budget

appropriation of five hundred eighty thousand dollars to be used for the planning, furnishing and equipping of a nursing facility unit at the New Hampshire Soldiers Home as authorized by Laws of 1967, 394:1, VIII. The additional appropriation of one hundred seventy-thousand dollars includes estimated federal funds of eighty-five thousand dollars.

505:14 Bonds or Notes Authorized. For the purpose of providing funds necessary for the appropriation made by section 13, the state treasurer is hereby authorized to borrow upon the credit of the state in a sum not exceeding eighty-five thousand dollars and for that purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

505:15 Lapse Provision. The funds appropriated by section 13 plus those appropriated under the Laws of 1967, 394:1, VIII for a nursing facility unit shall not lapse until July 1, 1971.

505:16 Effective Date. This act shall take effect July 1, 1969.

[Approved July 3, 1969.]

[Effective July 1, 1969.]

CHAPTER 506.

AN ACT TO ESTABLISH A WILDLIFE MANAGEMENT AREA IN THE TOWN OF MOULTONBORO NAMED THE KONA WILDLIFE AREA.

Be it Enacted by the Senate and House of Representatives in General Court convened:

506:1 Refuge. The tract of land acquired by the state pursuant to the provisions of Chapter 326, Laws of 1955, consisting of three hundred fifteen acres, situated on Braun Bay on Moultonboro Neck on Lake Winnepesaukee in the town of Moultonboro is hereby dedicated and set aside as a state wildlife management area, which shall be managed and controlled as provided in RSA 212:10 - 17, inclusive. The name of the area shall be Kona Wildlife Area.

506:2 Repeal. Amend 1961, 263:5-a as amended by 1965, 281:22 and 1967, 394:18 by striking out the words and figures "Winnepesaukee state park . . . \$1,000,000".

506:3 Effective Date. This act shall take effect upon its passage.

[Approved July 8, 1969.]

[Effective date July 8, 1969.]

CHAPTER 507.

JOINT RESOLUTION IN FAVOR OF FRANCIS W. TOLMAN, ET. AL.

Resolved by the Senate and House of Representatives in General Court convened:

There are hereby appropriated the following sums to be paid to the listed persons for payment in full of all compensation due them for services for the 1969 General Court prior to its convening: Francis W. Tolman, five hundred nineteen dollars, twelve cents; Margaret L. MacPherson, one hundred five dollars, twenty-four cents; Milton J. Street, two hundred eighty-eight dollars; Dorothy M. Spear, one hundred one dollars, sixteen cents; Lloyd Fogg, one hundred ninety-five dollars; Shirley Welch, eighteen dollars, ninety-six cents; Edward G. Masi, fifty dollars, seventy-two cents; Roger C. Quimby, ninety-four dollars, eighty cents; Ruth West, one hundred fourteen dollars, eighty cents; Laura O'Neil, one hundred fourteen dollars, eighty cents; Albert E. Barcomb, one hundred five dollars, seventy-six cents; Forrest Bucklin, fifty-two dollars, ninety-six cents; Herbert Richardson, twenty-six dollars; George Heon, twenty-four dollars, eighty-eight cents; Bertha Boutwell, nineteen dollars, ninety-six cents; R. L. Robinson, fifty-seven dollars, four cents; John Leahy, sixty-six dollars; Irene Landry, forty-seven dollars, four cents; Beth Lougee, forty-seven dollars, four cents; William L. Woodward, one hundred forty-two dollars, sixty cents. Said sums shall be a charge againss the legislative appropriation.
[Approved January 24, 1969.]

CHAPTER 508.

JOINT RESOLUTION MAKING AN APPROPRIATION TO THE DIVISION OF VOCATIONAL REHABILITATION FOR THE BALANCE OF THE FISCAL YEAR ENDING JUNE 30, 1969
FOR REHABILITATION OF PERSONS REJECTED FOR MILITARY SERVICE.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of thirteen thousand and nineteen dollars is hereby appropriated as detailed below for the fiscal year ending June 30, 1969 to the division of vocational rehabilitation in the department of education to enable the division to continue the program of service to men rejected from service in the armed forces of the United States by reason of a finding of being medically and/or emotionally unfit for said service, and that said division is hereby authorized and empowered to carry out said program and it is hereby designated as the state agency to apply for and receive any federal funds available therefor under the Federal Vocational Rehabilitation Act as amended. For the purposes of this resolution the following personnel positions are approved: one project director, two rehabilitation counselors, one account stenographer. The sum hereby appropriated is to be expended as follows:

Permanent Personal Services	\$ 9,888
Current Expenses	721
In-State Travel	1,275
Out-of-State Travel	255
Employee Benefits	880
Total Appropriation	\$13,019
Estimated Federal Funds	9,764

Total Appropriation State Funds \$ 3,255
[Approved February 7, 1969.]

CHAPTER 509.

JOINT RESOLUTION MAKING AN ADDITIONAL APPROPRIATION FOR FISCAL 1969 TO
CONTINUE PRINTING OF THE MARKET BULLETIN.

*Resolved by the Senate and House of Representatives in General Court
convened:*

THAT the sum of six thousand dollars is hereby appropriated for the fiscal year ending June 30, 1969 to be expended by the department of agriculture, division of markets and standards, to continue printing the market bulletin. Said sum shall be in addition to any funds appropriated under the general appropriation for the fiscal year ending June 30, 1969, and the governor is authorized to draw his warrant for the additional appropriation from any money in the treasury not otherwise appropriated.

[Approved March 13, 1969.]

CHAPTER 510.

JOINT RESOLUTION PROVIDING FUNDS FOR THE STATE TREASURER'S OFFICE.

*Resolved by the Senate and House of Representatives in General Court
convened:*

THAT the state treasurer is authorized to employ persons to fill the following positions for the period from March 1 to June 30, 1969:

Accountant I

Clerk Typist I

Notwithstanding any other provisions of law, the state treasurer is authorized to use the balance of funds appropriated for part-time secretaries under chapter 380 of the Laws of 1967, together with funds already transferred from the Governor's Operating Budget Contingency Fund, for the employment of the above persons.

[Approved March 13, 1969.]

CHAPTER 511.

JOINT RESOLUTION ESTABLISHING A FACT-FINDING PANEL.

WHEREAS, Senate Joint Resolution 21 of the 1967 session was referred to the legislative council on June 23, 1967 and

WHEREAS, the legislative council postponed action on said resolution pending action by the judicial council on certain related matters and

WHEREAS, the delay in the resolution of the question involved is causing hardship to several persons involved, now therefore be it

Resolved by the Senate and House of Representatives in General Court convened:

THAT a fact-finding panel consisting of three judges of the state be appointed by the speaker of the house and president of the senate, acting jointly, to investigate the facts relating to the automobile accident referred to in Senate Joint Resolution 21 of the 1967 session of the General Court. The fact-finding panel shall have the power to administer oaths and to subpoena witnesses. Said panel shall make a report to the speaker of the house and the president of the senate on or before May 15, 1969 which shall state to what degree, if any, the state is responsible for the damage and injuries sustained.

[Approved March 27, 1969.]

CHAPTER 512.

JOINT RESOLUTION APPROPRIATING FUNDS FOR THE RENT, MAINTENANCE AND REPAIR OF THE OLD POST OFFICE BUILDING.

Resolved by the Senate and House of Representatives in General Court convened:

THAT, notwithstanding the provisions of Laws of 1967, 380:1 or the footnote to the appropriation for "former post office building" in the appropriation for "division of buildings and grounds", in the appropriation for administration and control, and notwithstanding the provisions of RSA 9, there is hereby appropriated, for the fiscal years ending June 30, 1969 and June 30, 1970, the total sum of seventy-five hundred dollars to be expended with the approval of the governor for the purposes of rent, maintenance and repair of the old post office building in the city of Concord, and said sum hereby appropriated shall be a charge against the appropriation of thirty-eight thousand three hundred eighty dollars made by the Laws of 1967, 380:1 to the division of buildings and grounds for the former post office building. Any unexpended balance in the appropriation herein shall lapse at June 30, 1970 to unappropriated surplus of the general fund.

[Approved April 3, 1969.]

CHAPTER 513.

JOINT RESOLUTION IN FAVOR OF MADELINE F. FAIRBANKS.

Resolved by the Senate and House of Representatives in General Court convened:

THE sum of eight hundred and thirty dollars and forty-five cents is hereby appropriated to reimburse Madeline F. Fairbanks of Manchester for bodily injuries suffered and expenses incurred in connection with a fall

suffered by her on or about the premises of the state industrial school in Manchester on September 13, 1967. The governor is hereby authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

[Approved April 4, 1969.]

CHAPTER 514.

JOINT RESOLUTION RELATIVE TO JOSEPH SANDQUIST.

WHEREAS, Joseph Sandquist an employee of the state with service prior to the enactment of the retirement system left the state service for military service and returned to state service October 1, 1946 and

WHEREAS, due to an oversight as to the explanation of the provisions of the retirement act he did not apply for admittance to retirement act until June 1, 1951, now therefore be it

Resolved by the Senate and House of Representatives in General Court convened:

THE provisions of RSA 100:5 requiring an employee who terminated his employment in order to enter into the armed services of the United States to elect to become a member of the retirement system with prior service credits within one year after he again became a state employee shall not apply to Joseph Sandquist provided he elects to make all payments to the system which he would have been required to make had he elected to become a member of the system within one year from the time he returned to state service. If said Sandquist makes the payments required for the period from July 1, 1945 to June 1, 1951, he shall be entitled to prior service credits for his state service rendered prior to the date of establishment of the system.

[Approved April 4, 1969.]

CHAPTER 515.

JOINT RESOLUTION IN FAVOR OF ALICE V. FLANDERS.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of five hundred thirty-six dollars and ninety-four cents is hereby appropriated to be paid to Alice V. Flanders of Henniker as compensation for services and mileage in connection with the legislature of 1967. Said sum appropriated shall be a charge upon the legislative appropriation.

[Approved April 4, 1969.]

CHAPTER 516.

JOINT RESOLUTION IN FAVOR OF THOMAS BINMORE.

WHEREAS, Thomas Binmore was appointed by the governor with the advice and consent of the council as a commissioner to the Atlantic States Marine Fisheries Commission; and

WHEREAS, Thomas Binmore has used his personal funds to the sum of one hundred sixty-nine dollars and fifty cents while acting in the capacity of commissioner to the Atlantic States Marine Fisheries Commission; and

WHEREAS, Thomas Binmore has not been reimbursed for the expenditures made from his personal funds while acting in the capacity of commissioner of Atlantic States Marine Fisheries Commission; now therefore be it *Resolved by the Senate and House of Representatives in General Court convened:*

THAT there is hereby appropriated the sum of one hundred sixty-nine dollars and fifty cents to be paid to Thomas Binmore of Lock Road in the town of Rye and county of Rockingham in full and final settlement of the claim for funds expended as a commissioner to the Atlantic States Marine Fisheries Commission. The governor is authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

[Approved April 4, 1969.]

CHAPTER 517.

JOINT RESOLUTION IN FAVOR OF LAWRENCE E. PHILBROOK.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of fifty dollars is hereby appropriated to be paid to Lawrence E. Philbrook, town clerk of Shelburne, for services to unincorporated places during the 1968 biennial election at the direction of the secretary of state. The governor is authorized to draw his warrant for the sum hereby appropriated from any money in the treasury not otherwise appropriated.

[Approved April 10, 1969.]

CHAPTER 518.JOINT RESOLUTION PROVIDING ADDITIONAL APPROPRIATION FOR THE
TAX COMMISSION.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of five thousand dollars is hereby appropriated for the

fiscal year ending June 30, 1969, to be expended by the state tax commission for salaries and expenses for five presently authorized temporary positions:

- 1 Clerk-stenographer I
- 1 Clerk-typist II
- 3 Field tax examiners

THE governor is authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.
[Approved April 16, 1969.]

CHAPTER 519.

JOINT RESOLUTION PROVIDING COMPENSATION FOR SEVEN EMPLOYEES OF THE RACING COMMISSION.

WHEREAS, on March 13, 1968 racing at Rockingham Park was cancelled due to inclement weather; and

WHEREAS, seven employees of the racing commission were not notified of such cancellation and reported for work on that day, now therefore be it

Resolved by the Senate and House of Representatives in General Court convened:

THAT, notwithstanding any other provisions of law to the contrary, the racing commission is hereby authorized, directed and empowered to pay out of the appropriation made by Laws of 1967, 380:1 to the racing commission, harness racing, personal services, the following sums to compensate the following listed persons for their attendance, prepared for work, at Rockingham Park on March 13, 1968: Emil Desgrassillier of Manchester, fourteen dollars and sixty-eight cents; Albert Farrey of Manchester, seventeen dollars and fifty cents; Michael Faughnan of Goshen, seventeen dollars and fifty cents; Leonard Kulikowski of Nashua, seventeen dollars and fifty cents; Randall Thornton of Penacook, seventeen dollars and fifty cents; Lloyd Venue of Concord, twenty dollars and seventy-seven cents; and William Walsh of Dublin, nineteen dollars and seventy-three cents.

[Approved April 16, 1969.]

CHAPTER 520.

JOINT RESOLUTION TRANSFERRING FIFTY THOUSAND DOLLARS FROM THE UNEMPLOYMENT COMPENSATION CONTINGENCY FUND TO GENERAL FUNDS.

Resolved by the Senate and House of Representatives in General Court convened:

THAT, the sum of fifty thousand dollars is hereby transferred from the fund established by RSA 282:10-C to the general funds of the state of New Hampshire.

[Approved May 6, 1969.]

CHAPTER 521.

JOINT RESOLUTION PROVIDING A SUPPLEMENTAL APPROPRIATION FOR THE
NEW HAMPSHIRE SOLDIERS HOME IN TILTON.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of nine thousand five hundred sixty seven dollars is hereby appropriated for the fiscal year ending June 30, 1969 to be expended by the New Hampshire Soldiers Home to meet a budget deficit for the fiscal year. The governor is authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.
[Approved May 9, 1969.]

CHAPTER 522.

JOINT RESOLUTION IN FAVOR OF JULIE LOCKE AND HERVE PELCHAT.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of fifty dollars is appropriated to reimburse student nurses Julie Locke of 25 Concord Street, Concord, New Hampshire, and Herve Pelchat of 9 Greeley Street, Concord, New Hampshire, in full and final settlement for an overcoat and a topcoat lost in a fire in M and S 2 W closet, New Hampshire Hospital, January 30, 1967. The governor is authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.
[Approved May 13, 1969.]

CHAPTER 523.

JOINT RESOLUTION APPROPRIATING ADDITIONAL FUNDS TO BE USED BY THE DIVISION OF WELFARE IN THE DEPARTMENT OF HEALTH AND WELFARE TO PROVIDE USUAL AND CUSTOMARY AND REASONABLE COST PAYMENTS TO PROVIDERS OF MEDICAL SERVICES.

WHEREAS, the division of welfare, department of health and welfare, has been forced temporarily to reduce payments to providers of medical care, goods, and services under the Title XIX Medicaid Program by twenty-five percent during the last quarter of the current fiscal year; and

WHEREAS, this temporary reduction is a departure from the usual and customary fees paid to medical providers and the reasonable cost fees paid for hospital services under this program and is, therefore, not consistent with the objective of fair reimbursement for services, goods, and care provided; now therefore be it

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of eighty-five thousand dollars in state funds be hereby appropriated to be spent by the division of welfare in the department of health and welfare to provide medical care and services for the categorically needy. Said sum shall be in addition to any money appropriated by Laws of 1967, 380:1 for the division of welfare in the department of health and welfare for medical care and services for the categorically needy. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

OTHER provisions of law notwithstanding, in addition to the above appropriation and for the purpose of funding the medicaid program for the balance of fiscal 1969 the commissioner of health and welfare, with the approval of the governor and council is hereby authorized to transfer up to two hundred fifteen thousand sixty-six dollars in state funds during the fiscal year ending June 30, 1969 from appropriations made for said fiscal year to the department of health and welfare by laws of 1967, 380:1 to the appropriation to said department for medical care and services — categorically needy in the division of welfare; in addition any unexpended funds appropriated by Laws of 1967, 430:2 may likewise be transferred and expended for the same purposes; any restrictions relative to transfer or limiting the purposes for which any funds so appropriated to said department by said chapters 380 and 430, are hereby declared inoperative for the purposes of such transfers or the purposes of such expenditures; provided, however, that no appropriated funds which would otherwise lapse to the salary adjustment fund shall be so transferred; and, for the fiscal year ending June 30, 1969, any provisions of the Laws of 1967, 380 requiring a reduction of state matching funds when federal funds are reduced are hereby suspended as they apply to the division of welfare, department of health and welfare. Any additional federal or local funds paid to the state as the result of any of the funds appropriated or expended pursuant to the provisions of this resolution are hereby appropriated and may be accepted and budgeted by the commissioner of health and welfare with the permission of the governor and council. [Approved May 20, 1969.]

CHAPTER 524.

JOINT RESOLUTION IN FAVOR OF THE NORTH CONWAY FIRE DEPARTMENT FOR RESCUE OPERATIONS.

WHEREAS, the North Conway fire department has been called upon to make rescues at the Echo Lake state park, and

WHEREAS, said fire department has not been paid for the expenses thus incurred; now therefore be it

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of five hundred eighteen dollars and twenty-five cents is hereby appropriated to be paid to the North Conway fire department in full settlement for claims for expenses incurred in said rescue operations at Echo Lake state park. The governor is authorized to draw his warrant for

the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

[Approved May 22, 1969.]

CHAPTER 525.

JOINT RESOLUTION TO REIMBURSE ROBERT E. CROSS FOR LOSS OF HIS AUTOMOBILE.

Resolved by the Senate and House of Representatives in General Court convened:

THE sum of nine hundred dollars is hereby appropriated to reimburse Robert E. Cross for damages he sustained as a result of the burning of his automobile while it was in the custody of the state police. This sum is for full and final settlement of this claim. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

[Approved May 22, 1969.]

CHAPTER 526.

JOINT RESOLUTION IN FAVOR OF DONALD A. MASON.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of one hundred dollars is hereby appropriated for Donald A. Mason in recognition of the services performed by him while in the armed forces of the United States during the Korean conflict. Payment of said sum shall be in full and final settlement of said claim and the governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

[Approved May 22, 1969.]

CHAPTER 527.

JOINT RESOLUTION PROVIDING FOR A SPECIAL LEGISLATIVE COMMITTEE TO STUDY METHODS OF LEASING STORE OPERATIONS IN STATE PARKS.

Resolved by the Senate and House of Representatives in General Court convened:

THERE is hereby established a special legislative committee to make a study of the most satisfactory methods of leasing store operations and hiring services in state parks. The committee shall consist of five members of whom two shall be members of the senate appointed by the president of the senate and three shall be members of the house appointed by the speaker of the house. The committee shall submit a report of its recommendations to the

next session of the legislature or earlier, together with drafts of any bills which may be necessary to begin implementing said recommendations. It is the intent of this resolution, in establishing this committee, to achieve the most efficient method of leasing store operations in state parks.

[Approved June 13, 1969.]

CHAPTER 528.

JOINT RESOLUTION TO RE-ESTABLISH THE RAIL PASSENGER SERVICE IN THE STATE OF NEW HAMPSHIRE.

Resolved by the Senate and House of Representatives in General Court convened:

THE public utilities commission is hereby authorized and directed to examine the action that will be necessary to re-establish rail passenger service between Nashua, Manchester, Concord, and Boston, and Dover and Boston and is authorized, subject to the approval of the governor and council to enter into such agreement or arrangements as may be determined appropriate with interested agencies, including, but not necessarily restricted to, the Boston and Maine Corporation, the Massachusetts Bay Transit Authority, and appropriate Federal agencies through which demonstration projects may be arranged and financed.

[Approved June 20, 1969.]

CHAPTER 529.

JOINT RESOLUTION NAMING THE CONTOOCCOOK RIVER DAM THE EDWARD H. YORK DAM.

Resolved by the Senate and House of Representatives in General Court convened:

THE Contoocook River Dam in the city of Concord, at Penacook is hereby named the "Edward H. York Dam". The water resources board is directed to provide a plaque upon which the words "The Edward H. York Dam" shall be inscribed. Said plaque shall be affixed by the board in an appropriate place near or on the dam. The sum necessary to purchase, inscribe and affix said plaque shall be a charge on the appropriation of the water resources board.

[Approved June 20, 1969.]

CHAPTER 530.

JOINT RESOLUTION DIRECTING A STUDY OF TIMBER CUTTING.

WHEREAS, wise forest resource management is vital to the economic prosperity and general well-being of the people of New Hampshire; and

WHEREAS, the careful harvesting of timber crops is essential in order to create and maintain scenic vistas, enhance aesthetic value, and improve recreational opportunities; to increase water production; to improve wildlife habitats, to sustain production of wood for industry; to reduce soil erosion; and to protect the forest from injury by pests, disease, and other agencies; and

WHEREAS, indiscriminate harvesting of timber crops without regard to future forest uses and values is still practiced to some extent in New Hampshire; now therefore be it

Resolved by the Senate and House of Representatives in General Court convened;

THAT the director of the division of resources development, together with his district forest advisory boards, is hereby directed to study ways of improving current timber harvesting practices in order to better enhance and protect forest resource values of the state of New Hampshire. Said director is authorized to hold hearings throughout the state for the purpose of this study and to receive testimony and information as often as and where he sees fit. Said director shall have full power and authority to require from the several departments, agencies, and officials of the state and of the political subdivisions thereof such information and assistance as it may deem necessary for the purposes hereof. Said director shall report his findings and recommendations, together with drafts of any proposed legislation to carry out such recommendations, to the next regular session of the legislature during the first week of the session.

[Approved June 23, 1969.]

CHAPTER 531.

JOINT RESOLUTION IN FAVOR OF RONALD C. BRODERICK OF FRANCONIA.

Resolved by the Senate and House of Representatives in General Court convened;

THAT the sum of one thousand, eight hundred, and seventy-two dollars is hereby appropriated for each fiscal year until the death of Ronald C. Broderick of Franconia or until he reaches the age of sixty-five, whichever occurs first, for medical expenses and other losses incurred as a result of bodily injuries sustained by him in the fall of a car from the Cannon Mountain aerial tramway in Franconia Notch in March 1963 while in the performance of his duties as an employee of the state. The sums hereby appropriated shall be in addition to any other sums previously paid by the state and constitute full and final payment and settlement of any claim Mr. Broderick may have against the state of New Hampshire; provided, however, said payment shall not preclude payment of any future benefits to which he may be entitled under the workmen's compensation laws. The sums hereby appropriated shall be paid to Mr. Broderick in weekly installments of thirty-six dollars each. The governor is authorized to draw his warrant for said sum from any money in the treasury not otherwise appropriated.

[Approved June 23, 1969.]

CHAPTER 532.**JOINT RESOLUTION DIRECTING THE DEPARTMENT OF EDUCATION TO MAKE A STUDY
OF THE USE OF ITS FACILITIES AND STAFF FOR THE EDUCATION
OF HANDICAPPED PERSONS.**

WHEREAS, the Governor's Vocational Rehabilitation Planning Commission of 1968 has completed a comprehensive study of the rehabilitation and general human needs requirements of the disabled and handicapped of the state; and

WHEREAS, the study indicates the need for greater utilization of existing educational and training facilities; and

WHEREAS, the department of education is responsible for the state's program of vocational rehabilitation and education of the handicapped and disabled; now, therefore be it

Resolved by the Senate and House of Representatives in General Court convened:

THAT the department of education, in cooperation with its division of vocational rehabilitation, shall conduct a study to determine the feasibility of using existing educational and training facilities and staff for the education, training, diagnosis, and evaluation of the physically, mentally, or socially handicapped or disabled of all ages. Specifically, the department shall explore the feasibility of expanding or modifying existing programs and courses in the vocational-technical institutes and all other suitable facilities or programs under the jurisdiction of the department, with the objective of an increase in the potential of these programs and facilities for the vocational and social rehabilitation of the state's handicapped. Any proposed modification or alteration of a program shall not substantially interfere with the purpose for which the facility or program was originally established. Any funds necessary for this study shall be a charge on the funds of the department of education except that the department may avail itself of any federal, foundation, or other private funds available for such studies. The results of this study shall be reported to the 1971 general court unless a special session of the general court is convened and the report is ready for presentation. In this event, the study shall be presented to the special session.

[Approved June 23, 1969.]

CHAPTER 533.**JOINT RESOLUTION TO DIRECT A STUDY OF THE PRACTICABILITY OF DEVELOPING
SEMI-PROFESSIONAL AND CLERICAL SPECIALISTS TO RELIEVE THE MANPOWER
SHORTAGE IN REHABILITATION WORK.**

WHEREAS, the Governor's Vocational Rehabilitation Planning Commission of 1968 has completed a comprehensive study of the rehabilitation and general human needs requirements of the disabled and handicapped of the state; and

WHEREAS, the study indicates that the state needs more professionally trained workers in the field of rehabilitation and human needs; and

WHEREAS, the report of the commission indicates that there is a shortage of professionally trained people in the field of rehabilitation and human needs, and that the state may not be able to meet its professional personnel needs in this field; and

WHEREAS, the report indicates that the state may be able to partially meet the need for professionally trained persons in the field of rehabilitation and human needs by using specially trained persons capable of doing a satisfactory job in a limited area of professional work, and thus relieving the shortage of rehabilitation manpower in the state; and

WHEREAS, the report indicates that the professionally trained rehabilitation persons are using a large part of their working time in complex administrative functions that could be satisfactorily done by specially trained semi-professional and clerical persons; now, therefore be it

Resolved by the Senate and House of Representatives in General Court convened:

THAT with the objective of relieving the shortage of rehabilitation manpower in the state, the department of education, through the division of vocational rehabilitation, and in cooperation with the department of personnel, make a thorough study to determine the feasibility of developing a trained group of semi-professional rehabilitation workers to be employed by the state in the rehabilitation of the state's physically, mentally, and socially handicapped or disabled people of all ages.

THAT with the objective of freeing rehabilitation counselors and other professional rehabilitation workers from time consuming administrative chores that could be ably done by trained clerical persons, that the study explore the feasibility of training, educating, and paying special salaries to a group of stenographers to enable them to take over the routine administration duties connected with the work of professional rehabilitation workers, so that the professional workers could increase the amount of time available for them to work with people in need of professional services. The results of this study shall be reported to the 1971 general court, unless a special session of the general court is convened and the report is ready for presentation at the time of its convening. In this event, the study shall be presented to the special session. Any funds necessary for this study shall be a charge on the funds of the department of education except that the department may avail itself of any federal, foundation, or other private funds available for such studies.

[Approved June 23, 1969.]

CHAPTER 534.

JOINT RESOLUTION ESTABLISHING A COMMITTEE TO STUDY THE ECONOMIC IMPACT OF CLASSIFICATION OF LAND FOR TAXING PURPOSES AS OPEN SPACE, FARM AND FOREST LANDS AND RECOMMENDING LEGISLATION TO IMPLEMENT THE SAME.

Resolved by the Senate and House of Representatives in General Court convened:

THERE is hereby established a committee to study the classification of lands for taxing purposes. The committee shall consist of twelve members: three shall be members of the house, appointed by the speaker; two shall be members of the senate, appointed by the president; three shall be members of the general public, appointed by the governor; and the other four shall be a member of the tax commission; the commissioner of agriculture, or his designate; the commissioner of resources and economic development, or his designate; and the director of legislative services, or his designate. The committee shall elect a chairman, vice-chairman and clerk from its members. The committee shall study, in depth, the economic impact on the individual towns and cities and the state as a whole of legislation classifying real property for taxing purposes as open space land, farm land or forest land, and requiring that such classification of land be assessed for tax purposes on the basis of their value for the current use that they are being put to. The committee may hold public hearings throughout the state in the course of its study to receive testimony and information as often as and where it sees fit. The committee shall print and submit a report on its study to the governor, speaker of the house and president of the senate on or before November 1, 1969, and shall include in said report, its findings and conclusions and a draft of any legislation which it recommends or suggests that the general court consider or adopt.

[Approved June 30, 1969.]

CHAPTER 535.

JOINT RESOLUTION NAMING THE COMMANDANT DONALD J. WELCH NURSING HOME AT THE NEW HAMPSHIRE SOLDIERS' HOME AND PROVIDING FOR A PLAQUE TO BE ERECTED THEREON.

WHEREAS, Donald J. Welch served his community faithfully and with efficiency; and

WHEREAS, Donald J. Welch was noted for the conscientious and able performance of his duties as Commandant of the New Hampshire Soldiers' Home in Tilton; and

WHEREAS, It was largely through the efforts of Donald J. Welch that a new nursing home will be constructed at the New Hampshire Soldiers' Home; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

THAT the new nursing home to be constructed at the New Hampshire Soldiers' Home shall hereafter be named and known as the Commandant Donald J. Welch Nursing Home, and that the commissioner of public works and highways be directed to secure a suitable plaque to be erected at said nursing home designating the name hereby given to said home.

[Approved July 1, 1969.]

CHAPTER 536.

JOINT RESOLUTION MAKING A DEFICIT APPROPRIATION FOR OASI CONTRIBUTIONS
FOR TEACHERS FOR THE FISCAL YEAR ENDING JUNE 30, 1969.

*Resolved by the Senate and House of Representatives in General Court
convened:*

THERE is hereby appropriated the sum of seventy-eight thousand nine hundred eighteen dollars and forty-two cents to the department of administration and control for payment of the state's share of OASI contributions for teachers for the fiscal year ending June 30, 1969. The governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

[Approved July 2, 1969.]

CHAPTER 537.

JOINT RESOLUTION APPROPRIATING FUNDS TO THE TOWNS OF PITTSBURG AND
CLARKSVILLE IN LIEU OF TAXES ON FRANCIS DAM.

*Resolved by the Senate and House of Representatives in General Court
convened:*

THAT the sum of twelve thousand five hundred dollars for fiscal year 1969, the sum of twelve thousand five hundred dollars for fiscal year 1970, and the sum of twelve thousand five hundred dollars for fiscal year 1971 are hereby appropriated for payment in lieu of taxes on Francis Dam to the towns of Pittsburg and Clarksville; said sums shall be apportioned between said towns as provided in RSA 481:14 as amended by 1955, 327:1 and RSA 481:14-a as inserted by 1957, 294:1. The governor is authorized to draw his warrants for the sums hereby appropriated from any money in the treasury not otherwise appropriated.

[Approved July 2, 1969.]

CHAPTER 538.

JOINT RESOLUTION PROVIDING FOR STUDY OF COMPENSATION FOR CLASSIFIED STATE
EMPLOYEES WHO ARE ASSIGNED STANDBY DUTY.

*Resolved by the Senate and House of Representatives in General Court
convened:*

THE New Hampshire state personnel commission is hereby directed to cause a study and report to be made concerning the feasibility, suggested rate or method of compensation, and costs of providing for compensation for all classified state employees who: (1) are assigned to standby duty and who must be available for work on call after completion of their regularly scheduled day's work, or (2) are, while on standby duty, actually called to work after completion of a regular day's work. The commission shall submit its

report and recommendations to the fiscal committee of the General Court not later than September 1, 1969.

[Approved July 2, 1969.]

CHAPTER 539.

JOINT RESOLUTION IN FAVOR OF FAIDA GARAND.

WHEREAS, Faida Garand, a druggist, obtained a judgment against the state of New Hampshire, division of welfare, in the amount of fifty-three thousand, six hundred, seven dollars and twelve cents for drugs and other items furnished to welfare recipients; and

WHEREAS, the division of welfare is not able to manifest this claim for payment within existing appropriation; now therefore be it

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of fifty-three thousand, six hundred, seven dollars and twelve cents is hereby appropriated to be paid to Faida Garand in full settlement of the judgment he obtained against the state of New Hampshire in the January 1969 term of the Hillsborough county superior court, equity case number 9092. The governor is authorized to draw his warrants for said sum out of any money in the treasury not otherwise appropriated.

[Approved July 2, 1969.]

CHAPTER 540.

JOINT RESOLUTION ESTABLISHING AN INTERIM COMMISSION TO STUDY THE LAWS OF EMINENT DOMAIN AND MAKING AN APPROPRIATION THEREFOR.

Resolved by the Senate and House of Representatives in General Court convened:

A commission of eight members is hereby established to study the laws of the state pertaining to the acquisition of real property for public purposes by eminent domain. Said commission shall be composed of the chief justice of the superior court or his designate, the attorney general or his designate, a member of the house of representatives to be appointed by the speaker of the house, a member of the senate to be appointed by the president of the senate, the director of legislative services or his designate, three residents of the state, one of whom shall be a professional appraiser, to be appointed by the governor with the advice of the council. Said commission shall make a careful study of the present laws relating to the acquisition of real property or rights therein by the state and by its political subdivisions through the process of eminent domain, and of the need or advisability of the revision of such laws or the enactment of further laws relating to said subject, for the protection of the interests of all interested parties. The commission shall have full power and authority to require from the several de-

partments, agencies and officials of the state and of the political subdivisions of the state, such information and assistance as it may deem necessary for the purposes hereof. Members of the commission shall serve without compensation for their services on the commission, but may be reimbursed from the funds herein appropriated for all reasonable expenses incurred in carrying out the provisions of this act. The attorney general or his designate shall convene the commission which will elect its own chairman. The commission shall report its findings and recommendations, together with drafts of any proposed legislation necessary to carry out such recommendations, to the next regular session of the legislature, during the first week of said session. The sum of ten thousand dollars or so much thereof as may be necessary, is hereby appropriated for the biennium ending June 30, 1971 for the purposes of this act. Of said sum hereby appropriated, eight thousand dollars shall be a charge upon the highway fund and two thousand dollars shall be a charge upon the fish and game fund.

[Approved July 3, 1969.]

CHAPTER 541.

JOINT RESOLUTION PROVIDING FOR A STUDY OF THE ECONOMIC POTENTIALS AND DEVELOPMENT PROBLEMS OF MOUNT SUNAPEE STATE PARK.

WHEREAS, it is good practice to periodically review development and expansion of any major recreational area; and

WHEREAS, the economic and operational problems and potentials of any future development need to be weighed in advance of said development; now, therefore be it

Resolved by the Senate and House of Representatives in General Court convened:

THAT there be conducted a study of the long range development and operation potentials of Mount Sunapee state park including but not limited to an engineering feasibility study on future winter and summer expansion potentials, consideration of modernization or replacement of present facilities and equipment including snowmaking and/or snowfarming equipment, consideration of parking potentials and traffic patterns and of beach, boat launching, camping and picnic potentials. For the purpose of this study there is hereby created an interim study committee composed of three members of the house of representatives to be appointed by the speaker and two members of the senate to be appointed by the president of the senate. Said committee shall report back its recommendations, together with any drafts of proposed legislation, to the general court in the first week of the next regular session. The department of resources and economic development is directed to cooperate with this interim committee. The committee is hereby authorized to employ consultants to assist it in making the study hereby provided for and the cost of said study shall be a charge against the appropriation of the division of parks.

[Approved July 3, 1969.]

CHAPTER 542.**JOINT RESOLUTION ESTABLISHING A COMMISSION TO STUDY POSSIBLE CHANGES
IN THE WARD LINES OF MANCHESTER.**

Resolved by the Senate and House of Representatives in General Court convened:

THAT a commission of seven members of the Manchester delegation is hereby established to study ward lines in the city of Manchester for the purpose of recommending changes in such lines that they may conform to federal law. Said commission shall be composed of three members of the house of representatives to be appointed by the speaker, two members of the senate to be appointed by the president and two members to be appointed by the mayor of the city of Manchester. The commission shall have full power and authority to require any agency, department or official of the city of Manchester to disclose such information and assistance as it deems necessary for the purpose hereof. Members shall serve without compensation. The commission shall report its findings and recommendations to the next regular session of the legislature, during the first week of such session.

[Approved July 3, 1969.]

CHAPTER 543.**JOINT RESOLUTION IN FAVOR OF DR. ROGER N. BLAKE, FRANK CORLISS AND
BARBARA PELLETIER.**

WHEREAS, the following persons paid head taxes after their seventieth birthday, and

WHEREAS, the time has expired in which a refund for such payment could be made, therefore be it

Resolved by the Senate and House of Representatives in General Court convened:

THAT the following sums are hereby appropriated to reimburse the following persons: To Roger N. Blake of Hampton, twenty dollars for payment of head taxes in years 1964 through 1967; to Frank Corliss of Lancaster, ten dollars for payment of head taxes in years 1966 and 1967; to Barbara Pelletier of Wilton, fifteen dollars for payment of head taxes in years 1966, 1967, and 1968. The governor is authorized to draw his warrant for the sum appropriated out of any money in the treasury not otherwise appropriated.

[Approved July 3, 1969.]

CHAPTER 544.**JOINT RESOLUTION PROVIDING FOR PRELIMINARY STUDIES FOR THE CREATION OF A
MERRIMACK VALLEY BRANCH OF THE UNIVERSITY OF NEW HAMPSHIRE,
AND MAKING AN APPROPRIATION THEREFOR.**

WHEREAS, it is the public policy of the state to create a Merrimack Valley Branch of the University of New Hampshire in the Manchester area; and

WHEREAS, the experience of the Merrimack Valley Branch of the University of New Hampshire has shown both a substantial enrollment and growth potential for both undergraduate and graduate courses in the Manchester-Nashua area; and

WHEREAS, to adequately meet these demands a permanent facility and campus is necessary and desirable; now therefor

Be it Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of sixty thousand dollars is hereby appropriated to be expended by the University of New Hampshire trustees for the exclusive purposes of preliminary studies, architectural renderings, land options, and other necessary measures needed for the establishment of the Merrimack Valley Branch of the University of New Hampshire. This appropriation shall lapse July 1, 1971. The governor is authorized to draw his warrants for said sum out of any money in the treasury not otherwise appropriated.
[Approved July 3, 1969.]

CHAPTER 545.

JOINT RESOLUTION TO MAKE AN ADDITIONAL APPROPRIATION FOR THE FISCAL YEAR ENDING JUNE 30, 1969, FOR THE PAYMENT OF COUNSEL FOR INDIGENT DEFENDANTS IN CRIMINAL CASES.

WHEREAS, section 3 of 1967, 422, an act relating to the payment of counsel for indigent defendants in criminal cases, appropriated the sum of fifty thousand dollars for the fiscal year ending June 30, 1969, for such payments, and

WHEREAS, said entire sum has already been paid out, and

WHEREAS, pursuant to the provisions of Article 15, Part I of the constitution of New Hampshire and decisions of the United States supreme court, the state already incurred the legal obligation to make additional payments for such services and will be required to make more of said before the end of said fiscal year, therefore be it

Resolved by the Senate and House of Representatives in General Court convened:

THE sum of sixty thousand dollars is appropriated for the fiscal year ending June 30, 1969, in addition to the amount appropriated by section 3 of the Laws of 1967, 422 to be used for the purposes of RSA 604-A. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. The appropriation herein made shall not lapse.

[Approved July 3, 1969.]

CHAPTER 546.

JOINT RESOLUTION APPROPRIATING FUNDS TO PROVIDE STATE FLAGS FOR NEW HAMPSHIRE SERVICEMEN SERVING IN SOUTH EAST ASIA.

Resolved by the Senate and House of Representatives in General Court convened:

THAT the sum of two thousand five hundred dollars be hereby appropriated for the biennium ending June 30, 1971, to be expended by the governor to provide, upon request, state flags for New Hampshire servicemen serving in South East Asia. Large flags measuring three feet by five feet shall be given to military units only and small flags measuring twelve inches by eighteen inches shall be given to individual servicemen. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

[Approved July 3, 1969.]

CHAPTER 547.

JOINT RESOLUTION ESTABLISHING A SPECIAL INTERIM COMMISSION TO STUDY SCHOOL BOARD-TEACHER NEGOTIATIONS.

Resolved by the Senate and House of Representatives in General Court convened:

THERE is hereby established a special interim commission to study school board-teacher negotiations, and problems related thereto. Said commission shall consist of eight members as follows: four members shall be appointed by the governor, two members shall be members of the house of representatives to be appointed by the speaker, and two members shall be members of the senate to be appointed by the president. Said commission shall report its findings, together with drafts of any proposed legislation, to the next regular session of the legislature during the first week of the session.

[Approved July 3, 1969.]

CHAPTER 548.

JOINT RESOLUTION INSTRUCTING THE LEGISLATIVE STUDY COMMITTEE TO STUDY THE IMPLEMENTATION OF LAWS CREATING A JULY 1-JUNE 30 FISCAL YEAR FOR MUNICIPALITIES AND PERMITTING TWICE-A-YEAR RECEIPT OF TAX REVENUE.

WHEREAS, cities and towns are currently on a calendar year basis instead of a July 1-June 30 fiscal year; and

WHEREAS, this accounting procedure prevents cities and towns from coordinating their budgeting with that of federal and state governments and also prevents cities and towns from budgeting the local school year costs within a single fiscal year; and

WHEREAS, this accounting procedure costs cities and towns hundreds of thousands of dollars in interest annually by requiring them to borrow funds in anticipation of taxes instead of spending in accordance with the flow of revenue; now therefore be it

Resolved by the Senate and House of Representatives in General Court convened:

THAT the legislative study committee is hereby directed to study legislation for the implementation of a July 1-June 30 fiscal year for municipalities and for the authorization of a twice-a-year receipt of tax revenue by them. The director of legislative services or his designee shall be an ex officio member of said committee. Said committee shall make a careful study of the need and feasibility of such laws and shall have full power and authority to require from the several departments, agencies, and officials of the state and of the political subdivisions thereof such information and assistance as it may deem necessary for the purposes hereof.

[Approved July 3, 1969.]

PRIVATE ACTS

CHAPTER 549.

AN ACT LEGALIZING PROCEEDINGS AT THE SPECIAL MEETING OF THE HOLLIS SCHOOL DISTRICT HELD IN THE TOWN OF HOLLIS ON OCTOBER 1, 1968.

Be it Enacted by the Senate and House of Representatives in General Court convened:

549:1 Proceedings Legalized. All the votes and proceedings at the special meeting of the Hollis School District held in the town of Hollis on October 1, 1968, are hereby legalized, ratified and confirmed.

549:2 Effective Date. This act shall take effect upon its passage.

[Approved January 24, 1969.]

[Effective date January 24, 1969.]

CHAPTER 550.

AN ACT CHANGING THE EFFECTIVE DATE OF AN ACT RELATIVE TO THE ELECTION OF MEMBERS OF THE BOARD OF THE CONCORD UNION SCHOOL DISTRICT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

550:1 Date Changed. Amend Laws of 1967, 560:4 by striking out said section and inserting in place thereof the following: 560:4 Effective Date. This act shall take effect February 1, 1969.

550:2 Effective Date. This act shall take effect upon passage.

[Approved January 24, 1969.]

[Effective date January 24, 1969.]

CHAPTER 551.

AN ACT RELATIVE TO POWERS OF HESSER BUSINESS COLLEGE TO GRANT DEGREES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

551:1 Hesser Business College. Amend section 1, chapter 508, Laws of 1967 by striking out in line four the words "1968 to June 30, 1969" and inserting in place thereof the words (1969 to June 30, 1971) so that said section as amended shall read as follows: **508:1 Authority Granted.** The Hesser Business College, conducted by Hesser, Inc., an educational institution is hereby authorized to confer upon the graduates therefrom the degree of associate in business science for the period from July 1, 1969 to June 30, 1971 provided that it receives the approval of the coordinating board of advanced education and accreditation.

551:2 Effective Date. This act shall take effect June 30, 1969.

[Approved January 24, 1969.]

[Effective date June 30, 1969.]

CHAPTER 552.

AN ACT AUTHORIZING DANIEL WEBSTER JUNIOR COLLEGE
TO GRANT ASSOCIATE DEGREES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

552:1 Daniel Webster Junior College. Daniel Webster Junior College, a voluntary corporation formed under the provisions of RSA 292 and carrying on its activities in the city of Nashua, is hereby authorized and empowered to establish and maintain in said city an institute of learning to be known as Daniel Webster Junior College, to prescribe the rules for the government of said college and the courses of studies to be pursued therein, and to confer upon graduates thereof the degree of associate of arts to the qualifying candidates for the period from June 1, 1969, through June 30, 1971, provided that it receives the approval of the coordinating board of advanced education and accreditation.

552:2 Effective Date. This act shall take effect upon its passage.

[Approved February 10, 1969.]

[Effective date February 10, 1969.]

CHAPTER 553.

AN ACT AUTHORIZING NOTRE DAME COLLEGE TO CONFER
CERTAIN ASSOCIATE DEGREES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

553:1 Notre Dame College. Amend section 16 of chapter 16, Laws of

1950, by inserting in line thirteen after the word "music" the words (associate of arts, associate of science) and by inserting at the end of said section the words (provided that the granting of said associate degrees is approved by the coordinating board of advanced education and accreditation) so that said section as amended shall read as follows: **16. Sisters of Holy Cross; Powers Increased.** The Sisters of Holy Cross and Seven Dolors, a voluntary corporation formed under the provisions of chapter 272 of the Revised Laws of New Hampshire in the year one thousand nine hundred and fifty, and carrying on its activities in Manchester in the County of Hillsborough, is hereby authorized and empowered to establish, maintain and direct in the said city of Manchester, a college for the higher education of women to be called "Notre Dame College" or "College Notre Dame"; to prescribe the rules for the government of said college and the course of studies to be pursued therein, and to confer upon the graduates thereof the degree of bachelor of arts, bachelor of science, bachelor of education, bachelor of music, associate of arts, associate of science and such other degrees and diplomas as are conferred by institutions of like character; provided that the granting of said associate degrees is approved by the coordinating board of advanced education and accreditation.

553:2 Effective Date. This act shall take effect upon its passage.

[Approved February 10, 1969.]

[Effective date February 10, 1969.]

CHAPTER 554.

AN ACT RELATIVE TO AUTHORITY OF FRANKLIN PIERCE COLLEGE TO CONFER DEGREES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

554:1 Franklin Pierce College. Amend section 1, chapter 471 Laws of 1965, by striking out said section and inserting in place thereof the following: **471:1 Franklin Pierce College.** Franklin Pierce College, a voluntary corporation formed under the provisions of RSA 292 is hereby authorized and empowered to establish and maintain an institute of learning to be known as Franklin Pierce College, to prescribe the rules for the government of said college and the courses of studies to be pursued therein, and to confer upon graduates thereof the degrees of bachelor of arts and bachelor of science to the qualifying candidates and to give customary honorary recognition to outstanding individuals for noteworthy achievement.

554:2 Repeal. Section 2, chapter 471, Laws of 1965, relative to Franklin Pierce College is hereby repealed.

554:3 Effective Date. This act shall take effect upon its passage.

[Approved February 10, 1969.]

[Effective date February 10, 1969.]

CHAPTER 555.**AN ACT RELATIVE TO NEW ENGLAND AERONAUTICAL INSTITUTE
TO GRANT DEGREES.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

555:1 New England Aeronautical Institute. Amend section 1, chapter 511, Laws of 1967 by striking out in line three the word "technology" and by striking out in line four the words and figures "from June 1, 1967 through June 30, 1969" so that said section as amended shall read as follows:

511:1 Authority Granted. The New England Aeronautical Institute is hereby authorized to confer upon the graduates therefrom the degrees of associate in aeronautical engineering and associate in aeronautical administration.

555:2 Effective Date. This act shall take effect June 30, 1969.

[Approved February 10, 1969.]

[Effective date June 30, 1969.]

CHAPTER 556.**AN ACT AUTHORIZING WHITE PINES COLLEGE TO GRANT ASSOCIATE DEGREES.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

556:1 White Pines College. White Pines College, a voluntary corporation formed under the provisions of RSA 292 and carrying on its activities in the town of Chester, is hereby authorized and empowered to establish and maintain in said town an institute of learning to be known as White Pines College, to prescribe the rules for the government of said college and the courses of studies to be pursued therein, and to confer upon graduates thereof the degree of associate of arts to the qualifying candidates for the period from June 1, 1969, through June 30, 1971, provided that it receives the approval of the coordinating board of advanced education and accreditation.

556:2 Effective Date. This act shall take effect upon its passage.

[Approved February 21, 1969.]

[Effective date February 21, 1969.]

CHAPTER 557.**AN ACT LEGALIZING PROCEEDINGS AT THE SPECIAL MEETING OF THE PEMBROKE
SCHOOL DISTRICT HELD IN THE TOWN OF PEMBROKE ON DECEMBER 10, 1968.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

557:1 Proceedings Legalized. All the acts, votes and proceedings taken at a special meeting of Pembroke School District held in the town of Pem-

broke on December 10, 1968, are hereby legalized, ratified, approved and confirmed, and said Pembroke School District is authorized and empowered to take all action necessary and proper to carry out the same, including the power to raise and appropriate money for the operation, maintenance or expansion of the educational plant acquired thereunder, in accordance with the general statutes.

557:2 Increase of School Board. The provisions of RSA 197:15 (supp) shall apply to Pembroke School District forthwith, prior to the actual acquisition of Pembroke Academy for a high school; and if affirmative action is taken under said section by Pembroke School District, pursuant to an article in the warrant, at the next or any ensuing annual meeting, the additional school board members thereby authorized by the district may be elected at the same meeting at which such affirmative action is taken. The filing of candidates for such additional positions on the school board in advance of such annual meeting and the preparation of a separate ballot for such candidates by the district clerk for use at such annual meeting, if affirmative action on RSA 197:15 (supp) is taken by the district at such annual meeting, are hereby authorized.

557:3 Effective Date. This act shall take effect upon passage.

[Approved February 21, 1969.]

[Effective date February 21, 1969.]

CHAPTER 558.

AN ACT TO ABOLISH THE WATER COMMISSION IN THE TOWN OF DERRY AND TRANSFER ITS FUNCTIONS TO THE SELECTMEN.

Be it Enacted by the Senate and House of Representatives in General Court convened:

558:1 Selectmen to Manage Water Works. Amend section 2, chapter 280 of the Laws of 1907 by striking out said section and inserting in place thereof the following: Sec. 2. Said town may at any annual or special meeting establish such tolls, for the use of water and prescribe such rules for the conduct of the business as may from time to time be deemed proper, and the management of said works shall be under the direction and control of the board of selectmen. It shall be the duty of the board to collect the water rates fixed by the town, appoint a superintendent and such other officers as may be necessary, and determine the salary of the same, and perform such other duties as said town may from time to time by vote prescribe.

558:2 Terms to End. The terms of office of the water commissioners of the town of Derry shall terminate on the day this section becomes effective.

558:3 Transfer of Functions. The functions, powers, obligations, rights, and property of the board of water commissioners of the town of Derry, as provided under section 2, chapter 280 of the Laws of 1907, shall be transferred to the board of selectmen of the town of Derry on the day this section becomes effective.

558:4 Referendum. This act shall not be in effect unless it is adopted by a majority vote of the legal voters of the town of Derry at the annual town meeting in March, 1969, or a special meeting called for the purpose within three months of said March meeting. If a vote is taken at the annual town meeting, the clerk shall cause to be included on the regular ballot for the election of officers the following question: "Shall the provisions of an act abolishing the board of water commissioners for the town of Derry and transferring its functions to the selectmen as passed by the 1969 legislature be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with a square immediately opposite each such word, in which the voter may indicate his choice. If a majority of those present and voting on the question vote in the affirmative on this question, this act shall be declared to have been adopted.

558:5 Effective Date. Section 4 of this act shall take effect upon passage, and the remaining provisions shall take effect as herein provided.

[Approved February 21, 1969.]

[Effective date — section 4 effective on passage, remainder when adopted.]

CHAPTER 559.

AN ACT RELATIVE TO POWERS OF BELKNAP COLLEGE TO CONFER DEGREES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

559:1 Belknap College. Amend section 1, chapter 416, Laws of 1963 as amended by 1965, 471:3 and 1967, 523:1 by striking out in lines nine and ten the words "for the period from June 1, 1966 through June 30, 1969" and by striking out in line twelve the words "during that period" so that said section as amended shall read as follows: **416:1 Authority Conferred.** Belknap College, a voluntary corporation formed under the provisions of RSA 292 and located at Center Harbor in the county of Belknap, is hereby authorized and empowered to establish and maintain an institution of learning to be known as Belknap College, to prescribe rules for the government of said college and the courses of studies to be pursued therein. Said college is hereby authorized to confer upon the graduates thereof the degrees of bachelor of arts, and bachelor of science and associate degrees in arts, and associate degrees in science and associate degrees in medical technology, and to give customary honorary recognition to outstanding individuals for noteworthy achievement.

559:2 Repeal. Section 2, chapter 416, Laws of 1963, as inserted by 1965, 471:3, relative to limitations on the powers of Belknap College, is hereby repealed.

559:3 Effective Date. This act shall take effect June 1, 1969.

[Approved February 21, 1969.]

[Effective date June 1, 1969.]

CHAPTER 560.

AN ACT LEGALIZING CERTAIN VOTES AT THE 1968 TOWN MEETING IN MADISON.

Be it Enacted by the Senate and House of Representatives in General Court convened:

560:1 Proceedings Legalized. The votes taken at the 1968 town meeting in the town of Madison whereby said town adopted the provisions of RSA 41:16-a, 41:26-a, and 41:2-a providing for three-year terms for the town clerk, town treasurer and tax collector for said town are hereby legalized, ratified and confirmed and said officers elected at the 1969 annual meeting shall each serve for a term of three years.

560:2 Effective Date. This act shall take effect upon its passage.

[Approved March 4, 1969.]

[Effective date March 4, 1969.]

CHAPTER 561.

AN ACT TO ABOLISH THE WATER COMMISSION IN THE TOWN OF CHARLESTOWN
AND TRANSFER ITS FUNCTIONS TO THE SELECTMEN.

Be it Enacted by the Senate and House of Representatives in General Court convened:

561:1 Repeal. Laws of 1907, 234, relating to the board of water commissioners in the town of Charlestown, is hereby repealed.

561:2 Terms to End. The terms of office of the water commissioners of the town of Charlestown shall terminate on the day this section becomes effective.

561:3 Transfer of Functions. The functions, powers, obligations, rights, and property of the board of water commissioners of the town of Charlestown shall be transferred to the board of selectmen of the town of Charlestown on the day this section becomes effective.

561:4 Referendum. This act shall not be in effect unless it is adopted by a majority vote of the legal voters of the town of Charlestown at the annual town meeting in March, 1969, or a special meeting called for the purpose subsequent to said March meeting. If a vote is taken at the annual town meeting, the clerk shall cause to be included on the regular ballot for the election of officers the following question: "Shall the provisions of an act abolishing the board of water commissioners for the town of Charlestown and transferring its functions to the selectmen as passed by the 1969 legislature be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with a square immediately opposite each such word, in which the voter may indicate his choice. If a vote is taken at a special meeting the town clerk shall prepare a special ballot with the above question and places for the voter to indicate his choice. If a majority of those present and voting on the question vote in the affirmative on this question this act shall be declared to have been adopted.

561:5 Effective Date. Section 4 of this act shall take effect upon passage, and the remaining provisions shall take effect as herein provided.

[Approved March 4, 1969.]

[Effective date Section 4 shall take effect on passage, remainder of act effective when adopted.]

CHAPTER 562.

AN ACT CREATING A PLANNING BOARD FOR NEW HAMPTON VILLAGE PRECINCT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

562:1 Planning Board Created. There is hereby created the New Hampton Village Precinct Planning Board.

562:2 Membership. Said board shall be composed of five members.

562:3 Powers, Duties and Limitations. Said planning board shall be governed by, subject to, and have all the powers, functions and duties of such boards within the bounds of New Hampton Village Precinct in the same manner and to the same extent as though said board had been created by act of said precinct pursuant to RSA 36:2.

562:4 Referendum. The warrant for the first annual village precinct meeting of the New Hampton Village Precinct, after the effective date of this section shall include an article substantially as follows: "To see if the voters of the New Hampton Village Precinct will vote to adopt the provisions of an act creating a planning board for the New Hampton Village Precinct, as enacted by the 1969 session of the legislature." The vote on said question shall be by ballot, and if a majority of those present and voting on the question vote in the affirmative, this act shall be declared adopted by the precinct. Within ten days after said meeting, the precinct clerk shall certify to the secretary of state the result of the vote on the question.

562:5 Effective Date. Section 4 of this act shall take effect upon its passage and if the act shall be adopted at the herein specified annual village precinct meeting of the New Hampton Village Precinct, the remainder of this act shall then take effect.

[Approved March 4, 1969.]

[Effective date Section 4 effective on passage remainder of act when adopted.]

CHAPTER 563.

AN ACT TO RECLASSIFY A CLASS II HIGHWAY IN THE TOWN OF MASON
TO A CLASS V HIGHWAY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

563:1 Class II Highway in Mason. After the effective date of this act, the 0.47 miles of class II highway on the Wilton Road in the town of Mason beginning at a point approximately 2.08 miles northerly of New Hampshire route 123 and running northerly is classified as a class V highway.

563:2 Effective Date. This act shall take effect on completion of improvements by the state to town road aid standards.

[Approved March 4, 1969.]

[Effective date: This act shall take effect on completion of improvements by the state to town road aid standards.]

CHAPTER 564.

AN ACT AMENDING THE CHARTER OF THE PHILLIPS EXETER ACADEMY

Be it Enacted by the Senate and House of Representatives in General Court convened:

564:1 Phillips Exeter Academy. Amend the act entitled "An Act to incorporate an Academy in the Town of Exeter, by the name of the Phillips Exeter Academy," enacted April 3, 1781, as modified by the act entitled "An Act explanatory of a Clause in an Act entitled an Act to incorporate an Academy in the Town of Exeter by the name of the Phillips Exeter Academy," enacted June 14, 1783, and amended by the act entitled "An Act to amend the charter of Phillips Exeter Academy, approved April 3, 1781," approved June 27, 1883 (Chapter 167 of the Laws of 1883), by substituting for the words "seven" and "four" wherever they appear in the fifth enacting clause the words (twenty-nine) and (seven) respectively, so that portion of said clause involved in the amendment shall read as follows:

And be it further enacted by the authority aforesaid, that the number of said Trustees, and their Successors, shall not at any one time be more than twenty-nine, nor less than seven; seven of whom shall constitute a Quorum for transacting business; and by inserting the words (or, if elected for a term of less than life, complete his term of Office) immediately following the words "as often as one or more of the Trustees of said Academy shall die or resign" and the words (and as often as the number of said Trustees shall be increased) immediately following the words "incapable of discharging the duties of his Office," in the sixth enacting clause so that said clause shall read as follows:

Be it further enacted by the authority aforesaid that as often as one or more of the Trustees of said Academy shall die or resign or, if elected for a term of less than life, complete his term of Office, or in the Judgment of the major part of the other Trustees, be rendered by age or otherwise, incapable of discharging the duties of his Office, and as often as the number of said Trustees shall be increased, then & so often, the Trustees surviving and remaining, or the major part of them, shall elect one or more persons to supply the Vacancy or Vacancies so happening —.

564:2 Effective Date. This act shall take effect upon its passage.

[Approved March 4, 1969.]

[Effective date March 4, 1969.]

CHAPTER 565.

AN ACT LEGALIZING THE ANNUAL MEETING OF THE TOWN OF
NORTH HAMPTON, MARCH 12, 1968.

Be it Enacted by the Senate and House of Representatives in General Court convened:

565:1 Proceedings Legalized. All the votes and proceedings of the annual meeting held in the town of North Hampton on March 12, 1968, are hereby legalized, ratified and confirmed.

565:2 Effective Date. This act shall take effect upon its passage.

[Approved March 13, 1969.]

[Effective Date March 13, 1969.]

CHAPTER 566.

AN ACT LEGALIZING THE NOMINATION AND ELECTION OF TOWN OFFICERS
IN THE TOWN OF ALTON.

Be it Enacted by the Senate and House of Representatives in General Court convened:

566:1 Election Legalized. The nomination of candidates for town office at the Republican caucus held in the town of Alton on March 4, 1969 and the election of town officers at the town meeting held in said Alton on March 11, 1969 are hereby legalized, confirmed and ratified.

566:2 Effective Date. This act shall take effect upon passage.

[Approved March 19, 1969.]

[Effective date March 19, 1969.]

CHAPTER 567.

AN ACT LEGALIZING THE HAVERHILL COOPERATIVE SCHOOL DISTRICT
MEETING HELD OCTOBER 7, 1968.

Be it Enacted by the Senate and House of Representatives in General Court convened:

567:1 Meeting Legalized. All votes and proceedings taken at the meeting of the Haverhill cooperative school district which was held October 7, 1968 are hereby legalized, ratified and confirmed.

567:2 Effective Date. This act shall take effect upon its passage.

[Approved April 2, 1969.]

[Effective date April 2, 1969.]

CHAPTER 568.

AN ACT LEGALIZING CERTAIN PROCEEDINGS OF PLYMOUTH SCHOOL DISTRICT AND PERMITTING SAID SCHOOL DISTRICT TO REFUND CERTAIN TEMPORARY NOTES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

568:1 Vote Legalized. The vote of Plymouth school district passed May 28, 1968, appropriating money for the construction of elementary and secondary school facilities and authorizing the borrowing of two million two hundred fifty thousand dollars is hereby legalized, ratified and confirmed in all respects.

568:2 Refund of Temporary Notes. Plymouth school district may refund fifty-five thousand dollars of indebtedness represented by temporary notes which were issued pursuant to a vote of the district passed November 6, 1967. For the purpose of refunding such debt by the issue of fifty-five thousand dollars in serial bonds or notes under the Municipal Finance Act, the date of the original temporary loan shall be deemed to be February 1, 1969.

568:3 Effective Date. This act shall take effect upon its passage.

[Approved April 3, 1969.]

[Effective date April 3, 1969.]

CHAPTER 569.

AN ACT RELATIVE TO ABSENTEE VOTING IN MUNICIPAL ELECTIONS IN NASHUA.

Be it Enacted by the Senate and House of Representatives in General Court convened:

569:1 Nashua Elections, Absentee Voting. Amend part I of chapter 427 of the Laws of 1913 by inserting after section 28 the following new section: Sect. 28-a. Any legal voter of said city who, by reason of physical disability or absence from the city, is unable to vote in person on the day of meeting for the election of city and ward officers, may vote at said election by so-called absentee ballot. The provisions of chapter 60 of the Revised Statutes Annotated, as amended, so far as applicable hereto and not inconsistent herewith, shall apply to such absent voting in said city, provided that the city clerk shall prepare the forms and ballots, for such voting and said clerk shall also prepare the instructions required in section 14 of said chapter 60.

569:2 Referendum. This act shall not take effect unless it is adopted by a majority vote at the regular municipal election held in the city of Nashua on November 4, 1969, as hereinafter provided. The city clerk then in office shall cause to be placed at the bottom of the regular election ballot for city officers the following question: "Shall the provisions of an act entitled 'An act relative to absentee voting in municipal elections in Nashua,' passed at the 1969 session of the legislature, be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with a square imme-

diately opposite each word, in which the voter may indicate his choice. The referendum relative to the adoption of this act shall be conducted in every way, except as otherwise herein provided in the same manner as the election of candidates for offices under the present charter. If a majority of those voting on this question at said election vote in the affirmative on this question, this act shall be declared to have been adopted. The city clerk shall within one week of said election certify to the secretary of state the result of the vote on the above question.

569:3 Effective Date. Section 2 of this act shall take effect upon its passage, and if the act shall be adopted at the election on November 4, 1969, the remainder of this act shall take effect January 1, 1970.

[Approved April 4, 1969.]

[Effective date section 2 upon passage and if act adopted November 4, 1969 remainder of act shall take effect January 1, 1970.]

CHAPTER 570.

AN ACT ESTABLISHING A POLICE COMMISSION FOR THE TOWN OF CONWAY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

570:1 Establishment. There shall be a police commission for the town of Conway consisting of three persons elected as hereinafter provided. Said commissioners shall have been residents of said town for at least five years immediately preceding the date of their election and shall not hold, nor be candidates for, any other political office of the town of Conway during their term on said commission. For the first election of police commissioners hereunder one shall be elected for a term of one year, one for a term of two years and one for a term of three years and thereafter there shall be elected at each annual meeting one commissioner for a term of three years. Any vacancy in the commission shall be filled by appointment by the remaining members of the commission. Such appointee shall hold office until the next annual meeting of the town.

570:2 Duties. The said police commission shall appoint such police officers, constables and superior officers, as they may in their judgment deem necessary and fix their compensation. Said commissioners shall have full authority to make and enforce all rules and regulations for the government of the police force in the town of Conway. Said commissioners shall have authority to remove any officer at any time for just cause and after due hearing, which cause shall be specified in the order of removal except that special police officers appointed and designated as such shall serve at the pleasure of the commission.

570:3 Compensation. The salary for each of said police commissioners shall be one hundred dollars per year.

570:4 Prohibition; Police in Office. From and after the election and qualification of the police commissioners hereunder no police officers or constables shall be appointed or elected in the town of Conway except

under the provisions of this act. As of said date the term of office of any police officers then in office shall expire.

570:5 Referendum. This act shall not take effect unless it is adopted by a majority vote of the legal voters of the town of Conway at the annual town meeting in March, 1970, or at any special meeting called for the purpose prior to said March meeting. If a vote is taken at the annual town meeting the clerk shall cause to be included on the regular ballot for the election of officers the following question: "Shall the provisions of an act entitled an act establishing a police commission for the town of Conway be adopted?" Beneath this question shall be printed the word "yes" and the word "no" with a square immediately opposite each such word, in which the voter may indicate his choice. If a majority of those present and voting on the question vote in the affirmative on this question this act shall be declared to have been adopted. If a special meeting is called for the consideration of the adoption of this act the town clerk shall prepare a special ballot on which shall appear the foregoing question. If the act in question is adopted at such a special meeting another special meeting may be called for the election of the police commissioners. In such a case one police commissioner shall be elected for a term to expire the next annual meeting in March 1970, one shall be elected for a term to expire in March, 1971, and one shall be elected for a term to expire in March, 1972. If the act is adopted at the March, 1970 meeting a special town meeting may be called for the election of commissioners hereunder and the terms of office of the first commissioners elected thereunder shall expire in March 1971, March 1972 and March 1973.

570:6 Effective Date. Section 5 shall take effect upon its passage and the remaining provisions shall take effect as herein above provided.

[Approved April 4, 1969.]

[Effective date section 5 effective upon passage and remaining provisions take effect as herein above provided.]

CHAPTER 571.

AN ACT AUTHORIZING PIERCE COLLEGE FOR WOMEN TO GRANT CERTAIN DEGREES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

571:1 Pierce College for Women. Pierce College for women, a voluntary corporation organized under the general law and conducting its business in Concord as an educational institution, is hereby authorized to confer upon the graduates therefrom the degree of associate in business science for the period from June 1, 1969 to June 30, 1971, provided that it receives the approval of the coordinating board of advanced education and accreditation.

571:2 Effective Date. This act shall take effect upon its passage.

[Approved April 4, 1969.]

[Effective date April 4, 1969.]

CHAPTER 572.

AN ACT TO AMEND THE CHARTER OF KIMBALL UNION ACADEMY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

572:1 Board of Trustees. Amend 1813, 11 as amended by 1921, 248 by striking out section 2 thereof and inserting in its place the following new section:

Sect. 2. And be it further enacted that Kimball Union Academy shall be under the care, superintendence and control of a board of trustees, consisting of thirteen members, including the principal instructor of said Academy, who shall always be, ex officio, one of said board; not less than three of said board of trustees shall be ordained ministers of the gospel. In addition the board of trustees, at its discretion, may appoint not more than three Alumni Trustees, who shall be graduates of the Academy, for terms of not more than three years. No person shall be eligible for appointment as an Alumni Trustee who has served in such capacity for three years. Eight members of the board of trustees shall constitute a quorum to do business.

572:2 Repeal. Section 5 of 1813, 11 as amended by 1921, 248 is hereby repealed.

572:3 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 4, 1969.]

[Effective date June 3, 1969.]

CHAPTER 573.

AN ACT RELATIVE TO POWER OF MCINTOSH COLLEGE, INC., TO GRANT DEGREES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

573:1 McIntosh College, Inc. Amend section 1, chapter 472, Laws of 1965 by striking out in line four the words "June 1, 1967 through June 30, 1969, provided that it receives the approval of the coordinating board of advanced education and accreditation prior to April 1, 1967" and inserting in place thereof the words (July 1, 1969 through June 30, 1971) so that said section as amended shall read as follows: **472:1 Authority Granted.** The college conducted by the McIntosh College, Inc., an educational institution, is hereby authorized to confer upon the graduates therefrom the degree of Associate in Business Science for the period from July 1, 1969 through June 30, 1971.

573:2 Repeal. Laws of 1965, 472:3, relative to granting of additional degrees by McIntosh College, Inc., is hereby repealed.

573:3 Effective Date. This act shall take effect upon its passage.

[Approved April 7, 1969.]

[Effective date April 7, 1969.]

CHAPTER 574.

AN ACT IN FAVOR OF ROGER J. PARADISE.

Be it Enacted by the Senate and House of Representatives in General Court convened:

574:1 Annual Leave. Mr. Roger J. Paradise, an employee of the department of safety, is hereby authorized to take forty-nine days annual leave to be used by him at his discretion until his retirement or separation from state service.

574:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved April 10, 1969.]

[Effective date June 9, 1969.]

CHAPTER 575.AN ACT TO RECLASSIFY CERTAIN SECTIONS OF HIGHWAYS IN THE
TOWN OF CAMPTON

Be it Enacted by the Senate and House of Representatives in General Court convened:

575:1 Class II Highway in Campton. After the effective date of this act, the 0.55 miles of class II highway in the town of Campton running from route U.S. 3, over a partially dismantled bridge over the Pemigewasset River, to route N.H. 175 is classified as a class V highway.

575:2 Class V Highway in Campton. After the effective date of this act, the 0.10 miles of class V highway, known as Cross Street, in the town of Campton extending easterly from route 175, is classified as a class II highway.

575:3 Effective Date. This act shall take effect July 1, 1969.

[Approved April 10, 1969.]

[Effective date July 1, 1969.]

CHAPTER 576.AN ACT RELATIVE TO THE CREATION OF THE NEW HAMPSHIRE VERMONT DISTRICT
OF THE UNITARIAN UNIVERSALIST ASSOCIATION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

576:1 Consolidation Approved, Ratified and Confirmed. The consolidation of the New Hampshire Unitarian Association, incorporated by the Laws of 1883, chapter 242 as amended by the Laws of 1965, chapter 447, and the New Hampshire Universalist State Convention, incorporated by act approved July 12, 1864, as amended by the Laws of 1935, chapter 309, and Laws of 1911, chapter 262 into the New Hampshire Vermont District

of the Unitarian Universalist Association, a religious corporation established and existing under the laws of the state of New Hampshire and duly registered to transact business in the state of Vermont, be and hereby is approved, ratified and confirmed, and said consolidated corporation in all respects shall be and shall be deemed to be the legal successor to and continuation of each said organization. The said consolidated corporation shall have all the privileges, powers and immunities provided under chapter 292 of the Revised Statutes Annotated, as amended, and also any and all of the privileges, powers and immunities which any of said organizations have heretofore acquired or enjoyed by statute or otherwise.

576:2 Effect of Consolidation.

I. Trustee. The consolidated corporation shall be the successor trustee under all trusts, whether heretofore or hereafter created, in which any of said organizations has been or may be named as trustee.

II. Property. All property of said organizations, real or personal, including but not limited to, any interest under any trust, and all bequests, devised, gifts, and transfers of any kind heretofore or hereafter made to or for the benefit of any said organization, together with all the interests, powers, privileges, rights, claims and demands owned, possessed, or enjoyed by any of said organizations shall vest in and be owned by the consolidated corporation, and said consolidated corporation shall have with respect to such property and such interests, bequests, devises, gifts, and transfers, whether heretofore or hereafter made, the same powers, rights and privileges as would have been possessed by said organizations had such consolidation not been effected.

III. Liabilities. The consolidated corporation shall be subject to any and all outstanding liabilities and obligations of said organizations.

576:3 Adoption and Execution of Agreement Approved, Ratified and Confirmed. The adoption and execution by said organizations of an agreement of consolidation dated December 11, 1967, signed in their respective names and behalf by their respective presidents and treasurers be and hereby is approved, ratified and confirmed. Such consolidation shall become effective upon the filing of said agreement of consolidation, in the offices of the city clerk of Concord, New Hampshire, and the secretary of state and no other legal action by any of said organizations shall be required.

576:4 Further Consolidation Authorized. The Vermont and Quebec Unitarian Universalist Convention, being a religious corporation established and existing under the laws of the state of Vermont, is hereby authorized to consolidate into said consolidated corporation if and when it is authorized so to consolidate under the laws of the state of Vermont. Any such consolidation shall be accomplished in a manner and become effective upon the taking of action similar to that specified in Section 3 of this act. The effect of any such consolidation shall be the same as regards the organizations referred to in this Section 4 and their property, interests, rights, claims, demands, privileges, powers, immunities, liabilities and obligations as the effect of consolidation authorized by Section 1 of this act as regards the organizations referred to in said Section 1 and their property, interests, rights, claims, demands, privileges, powers, immunities, liabilities and obligations.

576:5 Amendment of Prior Act. Laws of 1967, 532:1 be and hereby is amended to conform with this act.

576:6 Separability Clause. If any part of this act, or the application of any part thereof to any circumstance, shall be held invalid, the validity of other parts thereof and the applicability thereof to other circumstances shall not be affected thereby.

576:7 Effective Date. This act shall take effect upon its passage.
[Approved April 10, 1969.]
[Effective date April 10, 1969.]

CHAPTER 577.

AN ACT LEGALIZING PROCEEDINGS OF HOPKINTON SCHOOL DISTRICT MEETINGS
HELD IN THE TOWN OF HOPKINTON ON MARCH 12 AND 16, 1968 AND
MARCH 11 AND 15, 1969.

Be it Enacted by the Senate and House of Representatives in General Court convened:

577:1 Proceedings Legalized. All of the acts, votes and proceedings taken at meetings of Hopkinton School District held on March 12 and 16, 1968 and March 11 and 15, 1969 are hereby legalized, ratified, approved and confirmed.

577:2 Effective Date. This act shall take effect upon passage.
[Approved May 6, 1969.]
[Effective date May 6, 1969.]

CHAPTER 578.

AN ACT RELATIVE TO THE CHARTER OF APPLETON ACADEMY IN NEW IPSWICH.

Be it Enacted by the Senate and House of Representatives in General Court convened:

578:1 New Ipswich Appleton Academy. Amend the sixth and seventh paragraphs of chapter 10 of the Laws of 1789, approved June 18, 1789, as amended, being the charter of New Ipswich Appleton Academy, by striking out said paragraphs and inserting in place thereof the following new paragraph: That the number of Trustees of said Academy and the manner of election of Trustees shall be as established from time to time by the By-Laws of said Academy, provided that at no time shall there be fewer than Seven (7) Trustees.

578:2 Property Holding. Amend the eighth paragraph of chapter 10 of the Laws of 1789 by striking out said paragraph and inserting in place thereof the following: And be it further enacted by the Authority aforesaid that the Trustees aforesaid & their Successors be & they hereby are rendered capable in law to take and receive by Gift grant Devise bequest or otherwise any lands tenements or other Estate real or personal To have and to hold

the same to them the said Trustees and their Successors on such Terms and under such provisions & limitations as may be expressed in any deed or Instrument of conveyance which shall be made to them —

578:3 Effective Date. This act shall take effect upon its passage.

[Approved May 13, 1969.]

[Effective date May 13, 1969.]

CHAPTER 579.

AN ACT AUTHORIZING NEW HAMPSHIRE COLLEGE OF ACCOUNTING AND COMMERCE
TO CONFER BACHELOR OF BUSINESS SCIENCE, ASSOCIATE IN BUSINESS SCIENCE,
AND HONORARY DEGREES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

579:1 Authorization to Confer Degrees. Amend Laws of 1963, 428:1 by striking out said section and inserting in place thereof the following:
428:1 Authority Granted. N. H. College of Accounting & Commerce, a voluntary corporation organized pursuant to the provisions of Revised Statutes Annotated, chapter 292, as amended, a successor corporation to N. H. College of Accounting & Commerce, Inc., is hereby authorized to confer upon the graduates therefrom the degrees of Bachelor of Business Science, Associate in Business Science, and to give customary honorary recognition to outstanding individuals for noteworthy achievement.

579:2 Effective Date. This act shall take effect upon its passage.

[Approved May 13, 1969.]

[Effective date May 13, 1969.]

CHAPTER 580.

AN ACT TO AMEND THE CHARTERS OF STRAFFORD SAVINGS BANK AND
CHESHIRE COUNTY SAVINGS BANK.

Be it Enacted by the Senate and House of Representatives in General Court convened:

580:1 Strafford Savings Bank. Amend section 5 of 1823, 36 by striking out said section and inserting in place thereof the following:

Section 5. And be it further enacted, that the number of members of said Corporation shall not exceed sixty at any one time; and any number not less than fifteen shall constitute a quorum for the transaction of business at the annual and other meetings of the members of said Corporation; provided such meetings shall have been duly notified in conformity to the by-laws of said Corporation; and provided, further, that said Corporation may, by its by-laws, require the attendance of one or more of its officers designated to constitute a quorum for the election of new members in addition to the number herein before prescribed.

580:2 Cheshire County Savings Bank. Amend 1897, 193 as amended by 1961, 326 by striking out sections 4, 5 and 6 thereof and inserting in place thereof the following:

SECT. 4. Said corporation at its annual meeting each year, shall have power to elect, by ballot and majority vote of those present, persons as members of this corporation, not exceeding seventy-five, including those who are at the time of such election members thereof. At each annual meeting of said corporation there shall be elected by ballot and majority vote of those present, from among its members, a clerk, and a board of trustees, composed of not less than seven nor more than eleven members as shall annually be determined, who shall hold their office until others are elected and qualified in their stead. Twenty members of the corporation shall constitute a quorum. Said corporation shall enact by-laws for the government and management of its business as shall not be incompatible with the laws of the state, and may from time to time, at the annual meetings or at a special meeting called for that purpose, alter and amend the same; but no by-law or regulation shall take effect or be in force until the same shall have been approved by the bank commissioner. Said corporation shall adopt a common seal which may be changed and renewed at pleasure, and all deeds, conveyances, grants, covenants and agreements, made by the president of said bank, or any other person acting under the authority of the board of trustees, shall be good and valid in law.

SECT. 5. The management of the business of said savings bank shall be committed to said trustees under the restrictions of the by-laws and the laws of the state. Said trustees shall qualify in the manner prescribed by law. They shall annually elect from their membership a chairman of the board, a vice chairman of the board and a president. They shall have the authority to fill any vacancies which may occur in the board of trustees between annual meetings of the corporation. A majority of the qualified trustees shall constitute a quorum. They may also annually elect one or more vice presidents, a treasurer, a secretary and such other offices as may be necessary for the proper management of said bank, and may remove the same at their pleasure. A reasonable compensation as determined by the trustees shall be paid to the officers of said bank and others necessarily employed in transacting its business.

SECT. 6. Said corporation may classify its savings depositors according to the character, amount, duration or regularity of their dealings with the bank, and subject to other applicable provisions of law, may agree with its depositors to pay an additional rate or rates of interest based on such classification, so long as each depositor shall receive the same rate of interest as all others in his class. The right is reserved to such bank to refuse any sums offered for deposit and to repay deposits. In addition to the powers contained in the general statutes, said bank may at any time require that up to ninety days' advance notice be given to it by each depositor prior to the withdrawal of any savings deposit or portion thereof; provided that written notice of the action taken by the bank shall be given immediately to the bank commissioner.

580:3 Effective Date. This act shall take effect upon its passage.

[Approved May 22, 1969.]

[Effective date May 22, 1969.]

CHAPTER 581.

AN ACT AMENDING CERTAIN PENSION ACTS OF THE CITY OF MANCHESTER.

Be it Enacted by the Senate and House of Representatives in General Court convened:

581:1 Deduction Eliminated. Amend Laws of 1967, 571:2 by striking out in lines five, six and seven the words "provided, however, that the city may deduct from the pension an amount not to exceed the amount of money that the city has contributed to the employees' social security" so that said section as amended shall read as follows: **571:2 Full Social Security to be Paid.** In connection with all non-contributory pension plans covering all employees of the city of Manchester, the employees who retire hereafter shall receive a pension of one-half of their pay plus the full amount of social security benefits to which they are entitled.

581:2 Persons Now Retired. Amend Laws of 1967, 571 by inserting after section 2 the following new section: **571:2-a Persons Now Retired.** Any person who is retired from employment by the city on the effective date of this section, and whose pension is now being offset by the amount of social security payments received by said person, or by the amount of social security payments contributed by the city while said person was employed by the city, shall, from and after the effective date of this section receive the pension specified in Laws of 1967, 571:2 as amended.

581:3 Retirement For Officials. Amend Laws of 1967, 571 by inserting after section 2-a the following new section: **571:2-b Retirement For Officials.** The city solicitor, including the city solicitor now in office, shall be considered a full-time official under the provisions of 1949, 400:2.

581:4 Referendum. The provisions of this act shall not take effect unless it is adopted by a majority vote at the regular municipal election held in the city of Manchester in November, 1969 as hereinafter provided. The city clerk then in office shall cause to be placed at the bottom of the regular election ballot for city officers the following question: "Shall the provisions of an act entitled 'An act amending certain pension acts of the city of Manchester' passed at the 1969 session of the legislature be adopted?" Beneath the question shall be printed the word "Yes" and the word "No" with a square immediately opposite each word in which the voter may indicate his choice. The referendum relative to the adoption of this chapter shall be conducted in every way, except as otherwise herein provided, in the same manner as the election of officers. If a majority of those voting on this question at said election vote in the affirmative on this question this act shall be declared to have been adopted. Within ten days after said election, the city clerk shall certify to the secretary of state the result of said vote.

581:5 Effective Date. Section 4 of this act shall take effect upon its passage and if the act is adopted at the election in November, 1969, the remainder of this act shall take effect on January 1, 1970.

[Approved May 24, 1969.]

[Effective date section 4 shall take effect upon passage and if act adopted at election in November 1969, remainder of act shall take effect on January 1, 1970.]

CHAPTER 582.

AN ACT RELATIVE TO INSURANCE BENEFIT PAYMENTS BY THE CITY OF
MANCHESTER TO RETIRED CITY EMPLOYEES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

582:1 Insurance Contributions to Retired Employees. The city council of the city of Manchester may appropriate money to provide, wholly or in part, group plan life, accident, medical, surgical and hospitalization insurance benefits, or any combination of such benefits, for all retired regular employees of the city and their dependents provided that the city's periodic contribution for any such insurance coverage for a retired employee shall equal but not exceed the city's periodic contribution for the same insurance coverage for a regular employee of the city currently employed.

582:2 Referendum. The provisions of this act shall not take effect unless it is adopted by a majority vote at the regular municipal election held in the city of Manchester in November, 1969 as hereinafter provided. The city clerk then in office shall cause to be placed at the bottom of the regular election ballot for city officers the following question: "Shall the provisions of an act entitled 'An act relative to insurance benefit payments by the city of Manchester to retired city employees' passed at the 1969 session of the general court be adopted?" Beneath the question shall be printed the word "Yes" and the word "No" with a square immediately opposite each word in which the voter may indicate his choice. The referendum relative to the adoption of his act shall be conducted in every way, except as otherwise herein provided, in the same manner as the election of officers. If a majority of those voting on this question at said election vote in the affirmative on this question, this act shall be declared to have been adopted. Within ten days after said election, the city clerk shall certify to the secretary of state the result of said vote.

582:3 Effective Date. Section 2 of this act shall take effect upon its passage and if the act shall be adopted at the election in November, 1969, the remainder of this act shall take effect on January 1, 1970.

[Approved May 24, 1969.]

[Effective date section 2 shall take effect on passage, and if act adopted at election in November 1969 remainder of act shall take effect January 1, 1970.]

CHAPTER 583.

AN ACT EXEMPTING CERTAIN PROPERTY OF THE MANCHESTER
HISTORIC ASSOCIATION FROM TAXATION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

583:1 Exemption of Real Estate. Amend chapter 305 of the Laws of 1931 by striking out section 1 and inserting in place thereof the following:

1. Exemption. All property, real or personal, of the Manchester Historic Association shall be exempt from taxation so far as the same is and shall be devoted to and used and occupied for the educational and historic purposes of said association and not for profit or gain.

583:2 Effective Date. This act shall take effect upon passage.

[Approved May 28, 1969.]

[Effective date May 28, 1969.]

CHAPTER 584.

AN ACT LEGALIZING THE ANNUAL TOWN MEETINGS HELD IN THE TOWNS OF
GOFFSTOWN AND LISBON ON MARCH 11, 1969.

Be it Enacted by the Senate and House of Representatives in General Court convened:

584:1 Goffstown Proceedings Legalized. All the votes and proceedings at the annual town meeting held in the town of Goffstown on March 11, 1969, are hereby legalized, ratified and confirmed.

584:2 Lisbon Proceedings Legalized. All the votes and proceedings at the annual town meeting held in the town of Lisbon on March 11, 1969, are hereby legalized, ratified and confirmed.

584:3 Effective Date. This act shall take effect upon its passage.

[Approved June 3, 1969.]

[Effective date June 3, 1969.]

CHAPTER 585.

AN ACT RELATIVE TO WOODSVILLE FIRE DISTRICT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

585:1 Woodsville Fire District. In addition to the powers heretofore conferred by chapter 204, Laws of 1887, chapter 196, Laws of 1899, chapter 313, Laws of 1913, chapter 292, Laws of 1925 and chapter 316, Laws of 1935, the Woodsville Fire District is hereby authorized and empowered to grant and vote money for the addition, repair, maintenance and support of the Woodsville Free Library.

585:2 Referendum. At a Woodsville Fire district special meeting to be called by the district commission prior to the next regular meeting, the district clerk then in office shall cause to be printed a ballot upon which shall be the following question: "Shall the provisions of An Act of the General Court of 1969 relative to the district and the authority of said district to grant and vote money for addition, repair, maintenance and support of the Woodsville Free Library be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with a square immediately

opposite such word in which the voter may indicate his choice. If a majority of the voters of the district present and voting on the question shall signify their approval thereof, this act shall be declared adopted by the moderator and the district at the same meeting may, under an article in the warrant for said meeting, vote money for the purposes hereof. The district clerk shall, within ten days after said meeting certify to the secretary of state the result of the vote on this question.

585:3 Effective Date. This act shall take effect upon its passage.

[Approved June 5, 1969.]

[Effective date June 5, 1969.]

CHAPTER 586.

AN ACT LEGALIZING THE ANNUAL TOWN MEETING HELD IN THE TOWN OF
BRENTWOOD ON MARCH 11 AND 17, 1969.

Be it Enacted by the Senate and House of Representatives in General Court convened:

586:1 Proceedings Legalized. All the votes and proceedings, including but not limited to all votes adopting an appropriation for the Exeter Area Visiting Nurses Association, taken at the town meetings held in the town of Brentwood on March 11 and 17, 1969, are hereby legalized, ratified and confirmed.

586:2 Effective Date. This act shall take effect upon its passage.

[Approved June 5, 1969.]

[Effective date June 5, 1969.]

CHAPTER 587.

AN ACT RELATIVE TO THE POWER OF THE CONCORD COMMERCIAL COLLEGE
TO GRANT CERTAIN DEGREES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

587:1 Authority Granted. The Concord Commercial College, an educational institution conducted in Manchester, New Hampshire, is hereby authorized to confer upon the graduates therefrom the degrees of Associate in Business Administration and Associate in Computer Science for the period from June 30, 1969 to June 30, 1971; provided, that it receives the approval of the coordinating board of advanced education and accreditation.

587:2 Effective Date. This act shall take effect upon its passage.

[Approved June 5, 1969.]

[Effective date June 5, 1969.]

CHAPTER 588.**AN ACT RELATIVE TO COMPUTATION OF THE DEBT LIMIT OF
THE TOWN OF PLYMOUTH.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

588:1 Net Indebtedness. Notwithstanding the provisions of RSA 33:4-b, the aggregate net indebtedness of the several municipalities consisting of the town of Plymouth, Plymouth school district, and Plymouth village fire district shall not exceed eleven and seventy-five hundredths (11.75) per cent of the valuation of the taxable property as determined by that chapter.

588:2 Effective Date. This act shall take effect upon its passage.

[Approved June 13, 1969.]

[Effective date June 13, 1969.]

CHAPTER 589.**AN ACT CHANGING THE NAME OF THE COLLEGE OF ADVANCED SCIENCE
TO CANAAN COLLEGE.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

589:1 Name Changed. Notwithstanding the provisions of chapter 331 of the Laws of 1961, the College of Advanced Science, a voluntary corporation formed under the provisions of RSA 292, located and carrying on its activities in Canaan, in the county of Grafton, shall hereafter be known as "Canaan College."

589:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 13, 1969.]

[Effective date August 12, 1969.]

CHAPTER 590.**AN ACT AMENDING THE LEBANON CITY CHARTER TO PROVIDE FOR THREE YEAR
TERMS FOR CITY COUNCILORS, THREE TO BE ELECTED ANNUALLY.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

590:1 Annual Election. Amend Laws of 1957, 419:6 by striking out said section and inserting in place thereof the following: **419:6 Municipal Election.** The municipal election shall be held annually on the first Tuesday after the first Monday in November. In the even numbered years, when the municipal election is held on the same day as the biennial election, a special warrant for the municipal election must be posted and a special municipal ballot must be prepared.

590:2 Election of Councilors. Amend Laws of 1957, 419:7 by striking out said section and inserting in place thereof the following: **419:7 Councilmen.** At each municipal election there shall be elected three councilmen, one from each ward, for a term of three years and until his successor is elected and qualified; provided, however, that at the first municipal election to be held after this provision is adopted, nine councilmen shall be elected as follows: three, one from each ward, for a term of one year; three, one from each ward, for a term of two years; and three, one from each ward, for a term of three years. Each councilman shall take office on the first weekday of January following his election.

590:3 Mayor. Amend Laws of 1957, 419:17 by striking out in lines two and three the words "the duration of his then existing term as councilman" and inserting in place thereof the words (a term of one year) so that said section as amended shall read as follows: **419:17 Mayor.** The council shall at its first meeting in January following its election choose one of its members as mayor for a term of one year. He shall preside at meetings of the council and may speak and vote in such meetings. He shall be recognized as head of the city for all ceremonial purposes. All other duties of the mayor prescribed by law shall be exercised by the manager provided for in this charter. The council shall also from its members elect an assistant mayor who shall act as mayor during the absence or disability of the mayor, and if a vacancy occurs, shall become mayor for the completion of the unexpired term.

590:4 Referendum. This act shall not take effect unless it is adopted by a two-thirds vote at the regular municipal election held in the city of Lebanon on November 4, 1969, as hereinafter provided and no less than twenty-five per cent of the registered voters cast their ballots on the question. The city clerk then in office shall cause to be placed at the bottom of the regular election ballot for city officers the following question: "Shall the provisions of an act entitled 'An act amending the Lebanon city charter to provide for three year terms for city councilors, three to be elected each year,' passed at the 1969 session of the legislature, be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with a square immediately opposite each word, in which the voter may indicate his choice. The referendum relative to the adoption of this chapter shall be conducted in every way, except as otherwise herein provided in the same manner as the election of candidates for officers under the present chapter. If two-thirds of those voting on this question at said election vote in the affirmative on this question, this act shall be declared to have been adopted. The city clerk shall within ten days of said election certify to the secretary of state the result of the vote on the above question.

590:5 Effective Date. Section 4 of this act takes effect upon its passage, and if the act is adopted at the election of November 4, 1969, the remainder of the act shall take effect July 1, 1971.

[Approved June 13, 1969.]

[Effective date section 4 effective on June 13, remainder of act if adopted, at election of November 4, 1969 shall take effect July 1, 1971.]

CHAPTER 591.

AN ACT LEGALIZING THE SPECIAL TOWN MEETING OF SEPTEMBER 16, 1967
AND THE REGULAR TOWN MEETINGS OF MARCH 12, 1968 AND
MARCH 11, 1969 HELD IN THE TOWN OF HUDSON.

Be it Enacted by the Senate and House of Representatives in General Court convened:

591:1 Proceedings Legalized. All the votes, acts, and proceedings taken and had at the special town meeting in the town of Hudson of September 16, 1967 and the regular town meetings of March 12, 1968 and March 11, 1969 are hereby legalized, ratified, and confirmed.

591:2 Effective Date. This act shall take effect upon its passage.

[Approved June 13, 1969.]

[Effective date June 13, 1969.]

CHAPTER 592.

AN ACT VALIDATING THE MARRIAGE OF LORENZO AND FLORENCE CROTEAU.

Be it Enacted by the Senate and House of Representatives in General Court convened:

592:1 Marriage Validated. Notwithstanding any statute to the contrary, Lorenzo Croteau and Florence Lamoine Croteau of Berlin, New Hampshire who have lived together as husband and wife since August 26, 1940, are hereby declared to be legally married, and to have been legally married since August 26, 1940. Any issue of Lorenzo Croteau and Florence Lamoine Croteau are hereby declared to be legitimate.

592:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 13, 1969.]

[Effective date August 12, 1969.]

CHAPTER 593.

AN ACT RELATIVE TO THE INCORPORATION OF THE UPPER VALLEY
PLANNING AND DEVELOPMENT COUNCIL, INC.

Be it Enacted by the Senate and House of Representatives in General Court convened:

593:1 Name Changed. Amend section 1, chapter 435 of the Laws of 1963 by inserting in line two after the word "Valley" the words (Planning and) so that the said section as amended shall read as follows: **435:1 Incorporation.** There is hereby created and incorporated the Upper Valley Planning and Development Council, Inc.

593:2 Name of Council. Amend section 3, chapter 435 of the Laws of 1963 by inserting in line ten after the word "Valley" and by inserting in line twelve after the word "Valley" the words (Planning and) so that the said section as amended shall read as follows: **435:3 Membership.** The council shall be comprised of the city of Lebanon, the towns of Hanover, Enfield and Canaan, all in the state of New Hampshire, and the towns of Hartford, Woodstock and Norwich, all in the state of Vermont. The membership of the council may be increased to include any village or any other town or city within the state of New Hampshire or state of Vermont which is accepted for membership in the council by vote of the directors and agrees to pay a share of the operational costs as determined by the board of directors. Any of the member cities, towns or villages may each year continue in or withdraw from the Upper Valley Planning and Development Council by vote of the governing body of such cities, towns or villages. The withdrawal of any city, town or village from the Upper Valley Planning and Development Council shall not affect the legal status of this corporation, and the corporation may continue to operate, if the member cities, towns and villages desire to continue the work of the council.

593:3 Number for Quorum. Amend section 4, chapter 435 of the Laws of 1963 by striking out in line six the word "Six" and inserting in place thereof the words (Two thirds of the) so that the said section as amended shall read as follows: **435:4 Board of Directors.** The government of the council, the direction of its work and the control of its property shall be vested in a board of directors, consisting of one representative to be appointed or elected annually from each of the member cities, towns and villages. Each of the cities, towns, or villages may elect or appoint one alternate director to serve in the absence or incapacity of its representative. Two thirds of the members of the board of directors shall constitute a quorum at any meeting. The meetings of the board of directors shall be called by the president. Meetings of the directors will be held at least once in each calendar month. Each director or the alternate director shall have one equal vote at every regular or special meeting of the council regardless of the size of the city, town or village which such director represents.

593:4 Effective Date. This act shall take effect upon its passage.
[Approved June 13, 1969.]
[Effective date June 13, 1969.]

CHAPTER 594.

AN ACT INCREASING THE DEBT LIMIT OF MILFORD SCHOOL DISTRICT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

594:1 Milford School District. The Milford school district is hereby authorized to incur net indebtedness outstanding at one time to an amount not exceeding ten per cent of its valuation determined as provided by RSA 33:4-b.

594:2 Effective Date. This act shall take effect upon its passage.
[Approved June 13, 1969.]
[Effective date June 13, 1969.]

CHAPTER 595.

AN ACT RELATIVE TO TILTON SCHOOL.

Be it Enacted by the Senate and House of Representatives in General Court convened:

595:1 Tilton School. Amend the Laws of 1919, 299:2 by striking out said section and inserting in place thereof the following section: Sect. 2. Tilton School, formerly Tilton Seminary, is hereby authorized to receive and to hold by purchase, gift, devise or otherwise, real and personal estate without limitation as to value for the purposes named in the act of incorporation and all amendments thereto.

595:2 Effective Date. This act shall take effect sixty days after its passage.
[Approved June 20, 1969.]
[Effective date August 19, 1969.]

CHAPTER 596.

AN ACT LEGALIZING THE ANNUAL TOWN MEETING HELD IN THE TOWN OF MARLOW ON MARCH 11, 1969.

Be it Enacted by the Senate and House of Representatives in General Court convened:

596:1 Proceedings Legalized. All of the proceedings and votes taken at the annual town meeting held in the town of Marlow on March 11, 1969, are hereby legalized, ratified and confirmed.

596:2 Effective Date. This act shall take effect sixty days after its passage.
[Approved June 20, 1969.]
[Effective date August 19, 1969.]

CHAPTER 597.

AN ACT LEGALIZING THE ANNUAL TOWN MEETING HELD IN THE TOWN OF NEW LONDON ON MARCH 11, 1969.

Be it Enacted by the Senate and House of Representatives in General Court convened:

597:1 Proceedings Legalized. All the votes and proceedings, including but not being limited to all votes adopting amendments to zoning ordi-

nances, at the annual town meeting held in the town of New London on March 11, 1969, are hereby legalized, ratified and confirmed.

597:2 Effective Date. This act shall take effect upon its passage.

[Approved June 20, 1969.]

[Effective date June 20, 1969.]

CHAPTER 598.

AN ACT LEGALIZING THE ANNUAL TOWN MEETINGS HELD IN THE TOWN
OF CANTERBURY ON MARCH 12, 1968, AND MARCH 11, 1969.

Be it Enacted by the Senate and House of Representatives in General Court convened:

598:1 Proceedings Legalized. All the votes and proceedings, including but not being limited to all votes adopting amendments to zoning ordinances, at the annual town meetings held in the town of Canterbury on March 12, 1968 and March 11, 1969, are hereby legalized, ratified and confirmed.

598:2 Effective Date. This act shall take effect upon its passage.

[Approved June 20, 1969.]

[Effective date June 20, 1969.]

CHAPTER 599.

AN ACT LEGALIZING THE TOWN MEETINGS HELD IN THE TOWN OF CANAAN
ON MARCH 12, 1968 AND MARCH 11, 1969.

Be it Enacted by the Senate and House of Representatives in General Court convened:

599:1 Proceedings Legalized. All votes and proceedings at the town meetings of March 12, 1968 and March 11, 1969 in the town of Canaan, are hereby legalized, ratified and confirmed.

599:2 Effective Date. This act shall take effect upon its passage.

[Approved June 20, 1969.]

[Effective date June 20, 1969.]

CHAPTER 600.**AN ACT RELATIVE TO THE ELECTION OF SCHOOL BOARD MEMBERS OF THE
CONTOOCCOOK VALLEY SCHOOL DISTRICT.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

600:1 Counting Ballots. Amend Laws of 1967, 563:4 by striking out said section and inserting in place thereof the following: **563:4 Election Officials; Counting Ballots.** The town election officials in the towns comprising said district shall act in like capacity for the school district in conducting school district elections. Immediately after the close of the polls, said election officials shall count the ballots to determine the number of votes for each candidate for school board member. Within twenty-four hours, after the ballots have been completely counted, the town clerk shall forward to the school district clerk a certified list of the candidates and the number of votes each one received. Said list shall be signed by the town clerk and witnessed by the town moderator. The school district clerk shall record the results from each town and shall when the results are in from all towns within the district, determine and announce the name of the candidate receiving the most votes throughout the district.

600:2 Referendum. The clerk of the Contoocook Valley school district shall prepare special referendum ballots for use by the voters of the towns which comprise the school district at the next annual town meetings to be held in March, 1970, upon which shall be printed the question: "Shall the provisions of an act entitled 'An Act relative to the election of school board members of the Contoocook Valley School District' enacted by the 1969 session of the legislature be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with a square immediately opposite each such word in which the voter may indicate his choice. Said ballots shall be delivered by the clerk of the school district to the clerks of the towns which comprise said district who shall deliver the same to the town election officials at the same time that ballots for election of town officials are delivered. Immediately after the close of the polls, the town election officials shall count the ballots and shall forward to clerk of the school district a certified statement as to the number of "Yes" votes and the number of "No" votes. The clerk of the school district shall record the results from each town and shall determine the total number of "Yes" votes and the total number of "No" votes in the district. If a majority of those present and voting on the question vote "Yes," the act shall be declared adopted. The clerk of the school district shall within ten days after said election certify to the secretary of state the result of the vote on said question.

600:3 Effective Date. Section 4 of this act shall take effect upon its passage and if the act shall be adopted as provided herein, the remainder of this act shall take effect on January 1, 1971.

[Approved June 23, 1969.]

[Effective date section 4 shall take effect upon passage, and if act adopted, remainder of act shall take effect on January 1, 1971.]

CHAPTER 601.

AN ACT LEGALIZING THE ANNUAL TOWN MEETING HELD IN THE TOWN OF RYE ON MARCH 11, 15, AND 17, 1969 AND THE TOWN MEETING HELD IN THE TOWN OF NEWINGTON ON MARCH 11, 1969.

Be it Enacted by the Senate and House of Representatives in General Court convened:

601:1 Proceedings Legalized. All the votes and proceedings taken at the town meetings held in the town of Rye on March 11, 15 and 17, 1969 are hereby legalized, ratified and confirmed.

601:2 Proceedings in Newington Legalized. The votes and proceedings of the town of Newington taken at the annual meeting held on March 11, 1969, whereby the town authorized the issue of one hundred seventy thousand dollars of bonds under article 5 of the warrant are hereby legalized, ratified and confirmed in all respects.

601:3 Effective Date. This act shall take effect upon its passage.
[Approved June 25, 1969.]
[Effective date June 25, 1969.]

CHAPTER 602.

AN ACT LEGALIZING CERTAIN MEETINGS OF THE RYE SCHOOL DISTRICT AND THE LONDONDERRY SCHOOL DISTRICT AND THE AUBURN SCHOOL DISTRICT AND RELATIVE TO ORGANIZATION OF LISBON REGIONAL SCHOOL DISTRICT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

602:1 Proceedings Legalized. All the votes and proceedings at the annual meeting and at the adjourned meeting of the Rye School District held in the town of Rye on March 8, 1969 and March 12, 1969, respectively, including but not limited to authorization for the issuance of bonds, are hereby legalized ratified and confirmed.

602:2 Lisbon Regional School District. The organization of the Lisbon regional school district pursuant to RSA 195 as amended and the articles of agreement as accepted by the school districts of Lisbon Special, Lisbon Town, and Lyman at their meetings held on March 10, 1969, and the proceedings of their 1969 annual meetings, and the proceedings taken by Lisbon regional school district at its organization meeting held May 6, 1969 are confirmed, ratified, and validated in all respects.

602:3 Londonderry School District. The votes and proceedings taken under article 7 at the Londonderry school district meeting held on March 8, 1969, are hereby legalized, ratified and confirmed, and the school board of said district may issue one hundred and seventy-five thousand five hundred dollars in bonds or notes of the district pursuant to the municipal finance act.

602:4 Auburn School District. The votes and proceedings taken under article 7 at the Auburn school district meeting held on March 14, 1969, are hereby legalized, ratified and confirmed, and the school board of said district may issue one hundred and ninety-two thousand dollars in bonds or notes of the district pursuant to the municipal finance act.

602:5 Effective Date. This act shall take effect upon its passage.

[Approved June 25, 1969.]

[Effective date June 25, 1969.]

CHAPTER 603.

AN ACT TO LEGALIZE CERTAIN TOWN MEETINGS HELD IN THE TOWN OF SUTTON
IN 1965, 1966, AND 1969 AND THE TOWN MEETING HELD IN THE TOWN OF
WARNER MARCH 11, 1969.

*Be it Enacted by the Senate and House of Representatives in General Court
convened:*

603:1 Town of Sutton Proceedings Legalized. All the votes and proceedings, including but not being limited to all votes adopting or amending zoning ordinances, at the annual town meetings held March 9, 1965, and March 8, 1966 and the special town meeting held April 19, 1969, in the town of Sutton, are hereby legalized, ratified, and confirmed.

603:2 Town of Warner Proceedings Legalized. All the votes and proceedings at the annual town meeting held in the town of Warner on March 11, 1969 are hereby legalized, ratified and confirmed.

603:3 Effective Date. This act shall take effect upon its passage.

[Approved June 25, 1969.]

[Effective date June 25, 1969.]

CHAPTER 604.

AN ACT LEGALIZING THE ANNUAL TOWN MEETING OF THE TOWN OF
NORTH HAMPTON HELD MARCH 11, 1969; THE ANNUAL MEETING OF THE
WINNACUNNET COOPERATIVE SCHOOL DISTRICT HELD MARCH 10, 1969;
THE ANNUAL TOWN MEETING OF THE TOWN OF GILMANTON HELD MARCH 11,
1969; AND THE ANNUAL MEETING OF THE GILMANTON SCHOOL DISTRICT
HELD MARCH 15, 1969.

*Be it Enacted by the Senate and House of Representatives in General Court
convened:*

604:1 Town of North Hampton; Proceedings Legalized. All the votes and proceedings at the annual town meeting held in the town of North Hampton on March 11, 1969 are hereby legalized, ratified and confirmed.

604:2 Proceedings of the Winnacunnet Cooperative School District

Legalized. All the votes and proceedings at the annual meeting of the Win-nacunnet Cooperative School District held on March 10, 1969, are hereby legalized, ratified and confirmed.

604:3 Town of Gilmanton; Proceedings Legalized. All the votes and proceedings at the annual town meeting held in the town of Gilmanton on March 11, 1969 are hereby legalized, ratified and confirmed.

604:4 Proceedings of the Gilmanton School District Legalized. All the votes and proceedings at the annual meeting of the Gilmanton School District held on March 15, 1969, are hereby legalized, ratified and confirmed.

604:5 Effective Date. This act shall take effect upon its passage.
[Approved June 27, 1969.]
[Effective date June 27, 1969.]

CHAPTER 605.

AN ACT AMENDING THE MAYOR-COUNCIL CHARTER OF THE CITY OF DOVER RELATIVE TO THE MAYOR'S SALARY AND THE POLICE COMMISSION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

605:1 Salary of Mayor of Dover. Amend section 7 of the mayor-council charter of the city of Dover as inserted by 1949, 430:2 and amended by 1961, 354:1 by striking out said section and inserting in place thereof the following: **7. Salary of Mayor.** The annual salary of the mayor shall be set between ten thousand and fifteen thousand dollars by majority vote of the city council and shall be payable monthly. The mayor shall devote his full time to his duties.

605:2 Repeal of Police Commission. Section 33 of the mayor-council charter of the city of Dover as inserted by 1949, 430:2 and amended by 1953, 358:17, 18 relative to the police commission is hereby repealed.

605:3 Referendum. The provisions of this act shall not take effect unless it is adopted by a majority vote at the regular municipal election held in the city of Dover in November, 1969, as hereinafter provided. The city clerk then in office shall cause to be placed at the bottom of the regular election ballot for city officers the following question: "Shall the provisions of an act entitled 'An Act amending the mayor-council charter of the city of Dover relative to the mayor's salary and the police commission' passed at the 1969 session of the general court be adopted?" Beneath the question shall be printed the word "Yes" and the word "No" with a square immediately opposite each word in which the voter may indicate his choice. The referendum relative to the adoption of this act shall be conducted in every way, except as otherwise herein provided, in the same manner as the election of officers. If a majority of those voting on this question at said election vote in the affirmative, this act shall be declared to have been adopted. Within ten days after said election, the city clerk shall certify to the secretary of state the result of said vote.

605:4 Effective Date. Section 3 of this act shall take effect upon passage and if the act shall be adopted at the election in November, 1969, the remainder of this act shall take effect on January 1, 1970.

[Approved June 30, 1969.]

[Effective date section 3 effective June 30, 1969 and if act adopted at election of November, 1969, remainder of act shall take effect on January 1, 1970.]

CHAPTER 606.

AN ACT AMENDING BOTH CHARTERS OF THE CITY OF DOVER
RELATIVE TO INCREASING THE COUNCILMEN'S COMPENSATION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

606:1 Mayor-Council Plan. Amend section 11 of chapter 430 of the Laws of 1949 by striking out said section and inserting in place thereof the following: **11. Compensation of Councilmen.** Each councilman shall receive twenty-five dollars for each council meeting which he attends, but not more than the sum of six hundred dollars in the aggregate in any year, in full for his services.

606:2 City Manager Plan. Amend subsection 12 of section 33 of chapter 358 of the Laws of 1953 by striking out said subsection and inserting in place thereof the following: **12. Compensation.** Each councilman shall receive twenty-five dollars for each council meeting which he attends, but not more than the sum of six hundred dollars in the aggregate in any year, in full for his services.

606:3 Referendum. The provisions of this act shall not take effect unless it is adopted by a majority vote at the regular municipal election held in the city of Dover in November, 1969, as hereinafter provided. The city clerk then in office shall cause to be placed at the bottom of the regular election ballot for city officers the following question: "Shall the provisions of an act entitled 'An Act amending both charters of the city of Dover relative to increasing the councilmen's compensation' passed at the 1969 session of the general court be adopted?" Beneath the question shall be printed the word "Yes" and the word "No" with a square immediately opposite each word in which the voter may indicate his choice. The referendum relative to the adoption of this act shall be conducted in every way, except as otherwise herein provided, in the same manner as the election of officers. If a majority of those voting on this question at said election vote in the affirmative, this act shall be declared to have been adopted. Within ten days after said election, the city clerk shall certify to the secretary of state the result of said vote.

606:4 Effective Date. Section 3 of this act shall take effect upon passage and if the act shall be adopted at the election in November, 1969, the remainder of this act shall take effect on January 1, 1970.

[Approved June 30, 1969.]

[Effective date section 3 shall take effect on June 30, 1969, and if act adopted at election in November, 1969, remainder of act shall take effect on January 1, 1970.]

CHAPTER 607.

AN ACT RELATIVE TO THE HOURLY WAGES OF CERTAIN OFFICERS IN THE CITY OF PORTSMOUTH.

Be it Enacted by the Senate and House of Representatives in General Court convened:

607:1 Compensation. Amend the Laws of 1957, 412:11 by striking out in line three the words "one dollar and fifty cents" and inserting in place thereof the following (two dollars) and by striking out in line five the words "one dollar and sixty-five" and inserting in place thereof the following (two dollars and twenty-five) and by striking out in lines six and seven the words "one dollar and seventy-five" and inserting in place thereof the following (two dollars and thirty-five) so that said section as amended shall read as follows: **412:11 Compensation.** The clerk shall keep a record of attendance of all members and each member, excepting the chairman and the clerk, shall receive two dollars for each hour of attendance and not more than eight hours shall be allowed to any member for any one day. The chairman shall receive two dollars and twenty-five cents for each hour of attendance. The clerk shall receive two dollars and thirty-five cents for each hour of attendance and he shall keep all records of the proceedings of the board and shall have supervision of the preparation and printing of all checklists required to be prepared by this act. The clerk shall certify to the correctness of the payroll of the board and the payroll shall be approved by the chairman of the board.

607:2 Referendum. This act shall not take effect unless it is adopted by a majority vote at the regular municipal election held in the city of Portsmouth on November 4, 1969, as hereinafter provided. The city clerk then in office shall cause to be placed on the regular election ballot for city officers the following question: "Shall the provisions of an act entitled 'An act relative to the hourly wages of certain officers in the city of Portsmouth' passed at the 1969 session of the legislature be adopted?" Beneath the question shall be printed the word "Yes" and the word "No" with a square immediately opposite each word in which the voter may indicate his choice. The referendum relative to the adoption of this act shall be conducted in every way, except as otherwise herein provided, in the same manner as the election of officers. If a majority of those voting at said election vote in the affirmative on this question, this act shall be declared to have been adopted. Within ten days after said election the city clerk shall certify to the secretary of state the result of such vote.

607:3 Effective Date. Section 2 of this act shall take effect upon passage, and section 1 of this act shall, if adopted by the voters as herein provided, take effect on December 1, 1969.

[Approved June 30, 1969.]

[Effective date section 2 will take effect June 30, 1969, section 1 if adopted by voters will take effect on December 1, 1969.]

CHAPTER 608.

AN ACT RELATIVE TO THE CEMETERIES IN THE TOWN OF ROLLINSFORD.

Be it Enacted by the Senate and House of Representatives in General Court convened:

608:1 Trustees Provided For. Amend the Laws of 1915, 301:1, by striking out said section and inserting in place thereof the following section:

Section 1. The control and management of the public cemeteries in the town of Rollinsford shall be vested in a board of three trustees to be elected for a period of three years at the annual town meeting; whenever a vacancy occurs, such vacancy shall be filled by the board of selectmen until the town meeting next. The first board shall serve in the following manner: one trustee for three years, one for two years, and one for one year.

608:2 Powers of Trustees. Amend the Laws of 1915, 301:2, by striking out in lines four and five the words "or to receiving, managing, and expending any funds," so that said section as amended shall read as follows:

Sect. 2. The board of trustees shall have and exercise all the power and authority now or hereafter vested in the town by law, relative to expending appropriations made by the town for its public cemeteries, and the income thereof now held or hereafter left in trust for the care and improvement of public or private cemeteries within said town, or of burial lots therein.

608:3 Custody of Funds. Amend the Laws of 1915, 301:4, by striking out said section and inserting in place thereof the following section:

Sect. 4. The trustees of the trust funds shall have the custody and control of trust funds and securities now held or hereafter left in trust for the care and improvements of public or private cemeteries within said town or of burial lots therein and said trustees shall make available income from said trust to trustee of cemeteries. The town treasurer shall have custody of all monies and shall pay out same only upon order of cemetery trustees.

608:4 Referendum. This act shall not be in effect unless it is adopted by a majority vote of the legal voters of the town of Rollinsford at the annual town meeting in March, 1970. The town clerk then in office shall cause to be included on the regular ballot for the election of officers the following question: "Shall the provisions of an act relative to cemeteries in the town of Rollinsford as passed by the 1969 session of the general court be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with a square immediately opposite each such word, in which the voter may indicate his choice. If a majority of those present and voting on the question vote in the affirmative, this act shall be declared to have been adopted. Within ten days after said meeting the town clerk shall certify to the secretary of state the result of said vote.

608:5 Effective Date. Section 4 of this act shall take effect upon its passage, and the remaining provisions shall take effect as herein provided.

[Approved June 30, 1969.]

[Effective date, section 4 takes effect on June 30, 1969, and remaining provisions shall take effect as herein provided.]

CHAPTER 609.

AN ACT AUTHORIZING THE TOWN OF RANDOLPH TO HAVE A THREE-YEAR TERM FOR HIGHWAY AGENT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

609:1 Town of Randolph Highway Agent. The voters of the town of Randolph at any annual town meeting under an article in the warrant placed there by petition, may vote by ballot to determine if they are in favor of having a three-year term for the highway agent. If a majority of those voting on the question vote in favor of a three-year term, at the next annual meeting after the vote of approval, the town shall choose, by ballot, a highway agent for the three-year term.

609:2 Continuation of Three-year Term. After a three-year term for highway agent has been established, at any annual town meeting held the year before the end of the three-year term, under an article in the warrant placed there by petition, the voters of the town of Randolph may vote, by ballot, to determine if they are in favor of continuing to have a three-year term for highway agent. If a majority of those voting on the question do not vote in favor of continuing the three-year term, at the next annual meeting, the voters shall choose a highway agent for a one year term.

609:3 Referendum. At the annual town meeting to be held in the town of Randolph in March, 1970, the town clerk then in office shall cause to be included on the official ballot then used, or if no official ballot is used, then on a special ballot to be prepared by said clerk, the following question: "Shall the provisions of an act of the General Court of 1969 authorizing the town of Randolph to have a three-year term for highway agent be adopted?" Beneath the question shall be printed the word "Yes" and the word "No" with a square immediately opposite such word in which the voter may indicate his choice. If a majority of the voters present and voting on the question shall signify their approval thereof, this act shall be declared adopted effective as of January 1, 1971. The town clerk of the town of Randolph shall, within ten days after said election, certify to the secretary of state the result of the vote on said question.

609:4 Effective Date. Section 3 of this act shall take effect upon its passage and if the act shall be adopted at the annual town meeting in March 1970, the remainder of the act shall take effect on January 1, 1971.

[Approved June 30, 1969.]

[Effective date section 3 shall take effect June 30, 1969 and if act adopted at town meeting in March, 1970 remainder of act shall take effect January 1, 1971.]

CHAPTER 610.**AN ACT TO INCREASE THE COMPENSATION OF THE MAYOR OF NASHUA.**

Be it Enacted by the Senate and House of Representatives in General Court convened:

610:1 City of Nashua; Mayor. Amend section 45, chapter 427, of the Laws of 1913, as amended by 1921, 246; 1943, 288; 1957, 377:1; 1961, 319:1; and 1965, 425:1, by striking out said section and inserting in place thereof the following: Sect. 45. The mayor shall be the chief executive officer of the city, and cause its laws and ordinances to be executed and enforced, shall exercise the general supervision over the conduct of all subordinate officers and cause all violations and neglect of duties by them to be punished. He may call a meeting of the board of aldermen whenever in his opinion there is occasion by causing a notification to be given to or left at the abode of each member of the board to be convened. He shall from time to time communicate to said board and to all subordinate officers such information and recommendations relative to matters within their respective jurisdictions as, in his judgment, the interest of the city may require, and shall have and perform such other powers and duties not inconsistent with the provisions of this act as now or hereafter may be conferred or imposed on him by the municipal ordinances or upon mayors of cities by general law. The salary of the mayor of the city of Nashua shall be thirteen thousand dollars per annum, payable in equal monthly installments. In addition, he shall be allowed the sum of fifteen hundred dollars per year, payable each January fifteenth, for expenses incurred in the performance of his duties. The mayor shall hold no other office of profit, recompense for which is made out of city funds or appropriations.

610:2 Referendum. This act shall not take effect unless it is adopted by a majority vote of those present and voting at the regular municipal election held in Nashua in November, 1969, as hereinafter provided. The city clerk then in office shall cause to be included on the official ballot then used the following question: "Shall the provisions of an act to increase the compensation of the mayor of Nashua, as enacted at the 1969 session of the general court, be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with a square immediately opposite each such word in which the voter may indicate his choice. The referendum shall be conducted in every way, except as otherwise herein provided, in the same way as the election of officers. If a majority of those voting on this question vote in the affirmative, this act shall be declared to have been adopted. Within ten days after said referendum the city clerk shall certify to the secretary of state the results of said vote.

610:3 Effective Date. The provisions of section 2 shall take effect upon the passage of this act and if adopted as therein provided, the remaining provisions of this act shall take effect January 1, 1970.

[Approved June 30, 1969.]

[Effective date section 2 shall take effect June 30, 1969 and if adopted, remainder of act shall take effect January 1, 1970.]

CHAPTER 611.

AN ACT RELATIVE TO A REFERENDUM BY THE VOTERS OF THE CITY OF CLAREMONT CONCERNING THE ALTERNATIVES OF A MAYOR OR MANAGER FORM OF CITY GOVERNMENT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

611:1 Referendum. There shall be submitted to the voters of the city of Claremont at the next regular municipal election in 1969 the following question concerning the form of government for the city: "Are you in favor of a mayor form of city government rather than a manager form of city government in the city of Claremont?" The city clerk then in office shall cause this question to be placed at the bottom of the regular election ballot for city officers. Beneath the question shall be printed the word "Yes" and the word "No" with a square immediately opposite each word in which the voter may indicate his choice. The referendum concerning this question shall be conducted in every way, except as otherwise herein provided, in the same manner as the election of officers. Within ten days after said election the city clerk shall certify to the secretary of state the result of this vote.

611:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved June 30, 1969.]

[Effective date August 29, 1969.]

CHAPTER 612.

AN ACT AMENDING THE CLAREMONT CITY CHARTER TO ALLOW FOR POPULAR ELECTION OF THE MAYOR AND ASSISTANT MAYOR.

Be it Enacted by the Senate and House of Representatives in General Court convened:

612:1 Election of Mayor. Amend Laws of 1947, 392:17 by striking out said section and inserting in place thereof the following: **392:17 Mayor; Assistant Mayor.** At each municipal election, there shall be elected except as otherwise provided in this section, a mayor and assistant mayor who shall hold office for a term of two years commencing with the first council meeting in January following said election. The names of the candidates shall be placed in alphabetical order without party designation on the ballot under the designation "Candidates for Mayor" and "Candidates for Assistant Mayor." These candidates shall be voted upon by city-wide ballot. No name shall be printed on the ballot as candidate for mayor or assistant mayor unless it shall appear also as a candidate for councilman at large and no person shall be a candidate for mayor and assistant mayor at the same election. The candidate for mayor with the highest city-wide vote who shall also be elected councilman at large at the same election shall be declared mayor-elect. The candidate for assistant mayor with the highest city-wide

vote who shall also be elected councilman at large at the same election shall be declared assistant mayor-elect. The mayor shall preside at meetings of the council and may speak and vote in such meetings. He shall be recognized as head of the city for all ceremonial purposes. All other duties of the mayor prescribed by law shall be exercised by the manager provided for in this charter. The assistant mayor shall act as mayor during the absence or disability of the mayor, and if a vacancy occurs shall become mayor for the completion of the unexpired term.

612:2 Referendum. At the municipal election to be held in the city of Claremont in November, 1969, the city clerk then in office shall cause to be included on the ballot then used the following question: "Shall the provisions of an act of the General Court of 1969 amending the Claremont city charter by providing for popular election of the mayor and assistant mayor be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with a square immediately opposite such word in which the voter may indicate his choice. If a majority of the voters present and voting on the question shall signify their approval thereof, this act shall be declared to have been adopted. The city clerk of the city of Claremont shall, within ten days after said election, certify to the secretary of state the result of the vote on this question.

612:3 Effective Date. Section 2 of this act shall take effect upon its passage and if this act is adopted at said 1969 municipal election, the remainder of this act shall take effect for the municipal election to be held in November 1971.

[Approved June 30, 1969.]

[Effective date section 2 of act shall take effect June 30, 1969 and if act adopted at 1969 municipal election, remainder of act shall take effect for municipal election in November 1971.]

CHAPTER 613.

AN ACT TO SUBJECT THE NEWFOUND COOPERATIVE SCHOOL DISTRICT TO THE
STATE-WIDE PROVISIONS OF LAW RELATING TO THE APPORTIONMENT OF
CAPITAL OUTLAY AND OPERATING COSTS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

613:1 Newfound District to be Operated Under RSA 195. Amend Laws of 1963, 394 by inserting after section 1 the following new sections:

394:1-a Reconsideration in 1970. Notwithstanding any provision of law to the contrary, the apportionment formula of the Newfound cooperative school district shall be subject to reconsideration and change pursuant to the provisions of RSA 195:8 at the annual meeting of the district to be held in 1970, or at any subsequent regular or special meeting. The five-year reconsideration periods provided for in RSA 195:8 shall begin to run as of the date of the meeting at which a new formula is adopted pursuant to RSA 195:8.

394:1-b Present Formula. The apportionment formula in effect as of March 1, 1970 shall continue in effect until another formula is adopted pursuant to RSA 195:8.

613:2 Repeal. Laws of 1963, 394:2, as amended by 1965, 484:1, relating to the apportionment of costs in the Newfound cooperative school district, is hereby repealed.

613:3 Repeal. Laws of 1963, 394:3, as amended by 1965, 484:1, relating to the reconsideration and adjustment of the apportionment formula of the Newfound cooperative school district, is hereby repealed.

613:4 Referendum; Special Meeting. The school board of the Newfound cooperative school district shall cause a special meeting to be called prior to February 1, 1970 for the purpose of voting upon the following question, which shall be caused by the clerk of the district then in office to be printed upon a ballot: "Shall the provisions of sections 1, 2, and 3 of an act entitled 'An Act to subject the Newfound cooperative school district to the state-wide provisions of law relating to the apportionment of capital outlay and operating costs,' passed at the 1969 session of the legislature be adopted?" Beneath the question shall be printed the word "Yes" and the word "No" with a square immediately opposite each word in which the voter may indicate his choice. The referendum relative to the adoption of these sections shall be conducted in every way, except as otherwise herein provided, in the same manner as the election of officers. If a majority of those voting on the question at the special meeting vote in the affirmative, this act shall be declared to have been adopted. Within ten days after said election the clerk of the school district shall certify to the commissioner of education the result of said vote.

613:5 Effective Date. Section 4 of this act shall take effect upon passage. Sections 1, 2, and 3 shall take effect pursuant to the provisions of section 4.

[Approved June 30, 1969.]

[Effective date section 4 shall take effect June 30, 1969, Section 1, 2 and 3 shall take effect pursuant to the provisions of section 4.]

CHAPTER 614.

AN ACT TO INCORPORATE NEW HAMPSHIRE VISION SERVICE CORPORATION.

Be it Enacted by the Senate and House of Representatives in General Court convened:

614:1 Membership. Not less than ten optometrists or physicians skilled in the diseases of the eye, all being of full age, citizens of the United States of America and residents of the state of New Hampshire, are hereby constituted a body corporate in perpetuity by the name of New Hampshire Vision Service Corporation, as a non-profit, non-stock corporation to be operated exclusively for the purposes hereinafter set forth.

614:2 Purposes. The purposes of the corporation shall be:

(1) To establish, maintain and operate a nonprofit plan or plans whereby optometric service or care is provided to such of the public who become subscribers to said plan or plans under a contract with such corporation; and in furtherance thereof to enter into contracts with optometrists and physicians skilled in the diseases of the eye, who are duly licensed to practice under the laws of the state of New Hampshire whereby such optometrists and physicians agree to provide optometric service or care, including ophthalmic materials, to the public in conformity with professional standards established by the optometric and medical professions in this state, and the rules of conduct and procedures established by such corporation. The term "public" includes any agency, instrumentality or political subdivision of the United States of America or the state of New Hampshire, or any individual subscriber, or any employee, dependent of an employee or member of a corporation, association, partnership, sole proprietorship, union or other similar organization. The foregoing statement of the purposes of this corporation shall not be deemed to authorize this corporation to engage in the practice of optometry, it being the intent and purpose of such plans that the accepted relationship between doctor and patient shall at all times continue between its contracting doctors and the subscribing public. The corporation shall not be liable for injury resulting from malpractice on the part of any doctor in the course of rendering optometric care; however, the foregoing shall not modify any law applicable to the relationship between an optometrist or physician skilled in the diseases of the eye who furnished professional service and a person receiving such service, including liability arising out of such professional service.

(2) To do everything necessary, incidental to, or appropriate for the performance and fulfillment of the aforesaid purposes or which may lawfully be done by a nonprofit, nonstock corporation organized under the laws of the state of New Hampshire, or as permitted by the general corporation law of the state of New Hampshire.

(3) Contracts between this corporation and its subscribers pursuant to the purposes of this act shall not be considered insurance contracts and such contracts shall be exempt from the provisions of the insurance laws of this state. The New Hampshire Vision Service Corporation shall consult with and create a liaison with the insurance commissioner regarding contracts for prepaid optometric care issued by it. No provisions of this act or any contract for optometric service by this corporation shall in any way effect the operation of workmen's compensation laws of the state.

614:3 Nonprofit Status. This corporation is not organized and shall not be maintained or operated for private profit or benefit. The income or property of the corporation from whatever source derived shall be applied solely toward the promotion of the purposes of the corporation as above set forth and no portion thereof shall be transferred to or inure to the profit or benefit of any member, officer, director, or employee of the corporation or any individual, provided that nothing herein contained shall prevent the payment in good faith of reasonable remuneration to any member, officer, director or employee of the corporation, or to any other person, or to any participating optometrist or physician who has entered into contracts with

the corporation or to individuals pursuant to contracts with this corporation for optometric care.

614:4 Area of Operations. This corporation shall be authorized to conduct its operations anywhere in the state of New Hampshire.

614:5 Principal Office. The principal office of the corporation shall be located in the city of Manchester.

614:6 Initial Directors and Incorporators. In the first board of directors and the first members of the corporation, there shall be not less than five optometrists or physicians skilled in the diseases of the eye.

614:7 Directors. The number of directors who shall manage the business and affairs of the corporation shall be at least seven and not more than twelve, all of whom shall be residents of the state of New Hampshire, and a majority of whom shall be optometrists or physicians skilled in the diseases of the eye. Directors need not be members of said corporation.

614:8 Bylaws. The corporation may adopt necessary bylaws for the management of its affairs as permitted by RSA 295:5 to provide for the election, removal and retiring of members; to fix the times and places of holding meetings and the manner of calling and conducting them; to regulate the number of officers, the manner of choosing them, their tenure of office and their powers and duties; and to promote the objects of the corporation; and they may alter and amend such bylaws.

614:9 Capital. The amount of assets with which the corporation will start its corporation functions is five hundred dollars, which funds will be advanced to the corporation in cash or securities by the New Hampshire Optometric Association and/or New Hampshire Medical Society, for the purpose of meeting the contractual obligations to its subscribers immediately upon its assumption of corporate activities, said loan not to be repaid by the corporation either in whole or in part except from surplus and upon authorization of at least a majority of the board of directors.

614:10 Effective Date. This act shall take effect upon its passage.
[Approved July 1, 1969.]
[Effective date July 1, 1969.]

CHAPTER 615.

AN ACT ALLOWING POLICE OFFICER DEUS LEVESQUE OF ROCHESTER AND
CITY TREASURER TERESA B. DEMARAIS OF PORTSMOUTH TO MAKE A LUMP SUM
PAYMENT INTO THE NEW HAMPSHIRE RETIREMENT SYSTEM TO GAIN
RETIREMENT BENEFITS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

615:1 Admission to Retirement System. Notwithstanding any other provision of law, Deus Levesque, a police officer in the city of Rochester, is hereby authorized to become a member of the New Hampshire retirement

system upon the payment of all necessary contributions by him and by the city of Rochester covering his past years of service.

615:2 Teresa B. Demarais. Notwithstanding any other provision of law, Teresa B. Demarais, the city treasurer of the city of Portsmouth, is hereby authorized to become a member of the New Hampshire retirement system upon the payment of all necessary contributions by her and by the city of Portsmouth covering her past years of service.

615:3 Effective Date. This act shall take effect upon its passage.

[Approved July 1, 1969.]

[Effective date July 1, 1969.]

CHAPTER 616.

AN ACT TO REVISE THE CHARTER OF THE CITY OF ROCHESTER BY ELIMINATING
REFERENCE TO THE SALARIES OF THE MAYOR AND COUNCILMEN.

*Be it Enacted by the Senate and House of Representatives in General Court
convened:*

616:1 Salary of Mayor. Amend Laws of 1891, 241:14, as amended by Laws of 1897, 186; Laws of 1919, 281; Laws of 1949, 422; Laws of 1957, 427; and by Laws of 1965, 462:1 by striking out in lines eleven through fifteen the words "The mayor shall receive an annual salary of four thousand dollars to be paid him at stated periods out of the city treasury and said salary shall be in full for services of any kind rendered by him in the discharge of all duties pertaining to his office" so that said section as amended shall read as follows: Sect. 14. The mayor shall be chosen biennially and shall have a negative upon all actions of the council to which his veto power would extend had the city government herein constituted provided for a board of aldermen. He shall also preside in the meetings of the city council, but shall have no vote except in case of an equal division. Whenever the mayor shall be absent or disabled by sickness, or otherwise, or whenever the office of mayor shall become vacant by death, resignation, or otherwise, the council may choose one of their numbers to be chairman, who shall have all the powers and perform all the duties of the mayor during his absence or disability, and in the case of a vacancy, until a mayor shall be elected and qualified to fill it.

616:2 Salary of Councilmen. Amend Laws of 1891, 241:15 as amended by Laws of 1957, 427:5 by striking out in lines six and seven the words "Each councilman shall receive ten dollars for each regular monthly meeting at which he is present" so that said section as amended shall read as follows: Sect. 15. At the first biennial election after the adoption of this act, two councilmen shall be chosen by and from the qualified voters of each ward to serve, one for two years and one for four years, and at each biennial election thereafter, one councilman shall be chosen by and from the qualified voters of each ward to serve for the term of four years.

616:3 Compensation. Amend Laws of 1891, 241 by inserting after section 15 the following new section: Sect. 15-a. The mayor and city council-

men shall receive for their services such salary as the city council shall determine, payable at stated periods, and shall receive no other compensation. Such salary shall not be increased or decreased from the time of any election until the close of the term of the mayor then elected, and such salary shall not be increased or decreased by the council without first holding a public hearing thereon. At least ten days public notice shall be given prior to such hearing.

616:4 Referendum. This act shall not take effect unless it is adopted by a majority vote at the regular municipal election to be held in the city of Rochester in November, 1969, as hereinafter provided. The city clerk then in office shall cause to be placed on the regular election ballot for city officers the following question: "Shall the provisions of an act entitled 'An Act to revise the charter of the city of Rochester by eliminating references to the salaries of the mayor and councilmen' passed at the 1969 session of the legislature be adopted?" Said question shall be printed in the form prescribed by RSA 59:12-a. If a majority of those voting on the question vote in the affirmative, this act shall be declared to have been adopted. The city clerk shall, within ten days after said election, certify the result of the vote on the above question to the secretary of state.

616:5 Effective Date. Section 4 of this act shall take effect upon its passage, and the remainder of this act shall take effect as prescribed in section 4.

[Approved July 1, 1969.]

[Effective date section 4 effective July 1, 1969, remainder of act shall take effect as prescribed in section 4.]

CHAPTER 617.

AN ACT RELATIVE TO THE COMPOSITION OF THE FINANCE COMMITTEE OF THE CITY OF NASHUA.

Be it Enacted by the Senate and House of Representatives in General Court convened:

617:1 Composition of the Finance Committee of the City of Nashua. Amend section 50, part 1 of chapter 427, Laws of 1913 by striking out the first sentence of said section and inserting in place thereof the following new sentence: (the finances and accounts of the city shall be under the supervision of a finance committee composed of the mayor and three aldermen-at-large and three ward aldermen, the three ward aldermen and three aldermen-at-large to be appointed by the president of the board of aldermen with the mayor acting as chairman) so that said section as amended shall read as follows: Sect. 50. The finances and accounts of the city shall be under the supervision of a finance committee composed of the mayor and three aldermen-at-large and three ward aldermen, the three ward aldermen and three aldermen-at-large to be appointed by the president of the board of aldermen with the mayor acting as chairman. The first finance committee under this act shall as soon as possible after its assumption of office, proceed to employ a board of three competent men to make an appraisal of the

assets and a statement of the liabilities of the city of every nature, and this statement of assets and liabilities brought down to the date of December 31, 1914, shall be made the basis of a new system of accounts for the city, and subsequent finance committees may have such appraisals made when deemed expedient. A competent audit company or public accountant of good and well known reputation shall be employed by the finance committee to establish, subject to their approval, such system of accounts as will at all times show the financial condition and financial operations of the city in all its departments, and the finance committee shall have authority to employ a competent accountant or accountants to act as assistant or assistants to the city treasurer in maintaining such accounts.

617:2 Referendum. This act shall not take effect unless it is adopted by a majority vote at the regular municipal election held in the city of Nashua on November 4th, 1969, as hereinafter provided. The city clerk then in office shall cause to be placed at the bottom of the regular election ballot for city officers the following question: "Shall the provisions of an act entitled 'An act relative to the composition of the Finance Committee of the City of Nashua' passed at the 1969 session of the legislature, be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with a square immediately opposite each word, in which the voter may indicate his choice. The referendum relative to the adoption of this act shall be conducted in every way, except as otherwise herein provided in the same manner as the election of candidates for offices under the present charter. If a majority of those voting on this question at said election vote in the affirmative on this question, this act shall be declared to have been adopted. The city clerk shall within one week of said election certify to the secretary of state the result of the vote on the above question.

617:3 Effective Date. Section 2 of this act takes effect upon its passage, and if the act shall be adopted at the election of November 4, 1969, the remainder of this act shall take effect on January 1, 1970.

[Approved July 2, 1969.]

[Effective date section 2 takes effect July 2, 1969 and if act adopted at election of November 4, 1969, remainder of act shall take effect January 1, 1970.]

CHAPTER 618.

AN ACT RELATIVE TO TIME OF ELECTION OF THE CLAREMONT SCHOOL DISTRICT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

618:1 Claremont School District; Election. The election officers in each ward of the city of Claremont whose duty it is to conduct regular biennial elections shall conduct an election at the expense of the Claremont school district, as hereinafter provided, on the Tuesday after the first Monday in November, annually, to elect members of the school board, district moderator, clerk and treasurer. For the purposes of this election, the voters in the several wards shall cast their ballots in their respective wards for the election of the members of the school board and of a moderator, a clerk and a

treasurer, in such convenient places as may be designated by the supervisors of the checklist and provided by the district. Candidates for election to the school board and for moderator, clerk and treasurer shall be listed on a ballot separate from the ballot or ballots used in any other elections which may be held concurrently with the board and district officers election. The first election under this chapter shall be held on the Tuesday after the first Monday in November, 1971. All board members and district officers elected prior to the effective date of this act shall continue in office through the last day of December in the year in which their terms otherwise would have expired.

618:2 Claremont School District; Term of Office. The seven members of the school board shall be elected as members at-large for a term of three years. The district moderator, clerk, and treasurer shall be elected at each school district election for a term of one year. All terms of office for school board members and school district officers shall begin on January first and end December thirty-first except that the term of office for the district treasurer shall begin on July first and end on June thirtieth, and excepting further, that the term of office for the district treasurer elected at the November 1971 election shall begin on January 1, 1972 and end on June 30, 1973.

618:3 Referendum. At the school district election to be held in the Claremont school district in March, 1970, the school district clerk then in office shall cause to be included on the ballot then used the following question: "Shall the provisions of an act of the General Court of 1969 relative to the time of election of the Claremont school district be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with a square immediately opposite such word in which the voter may indicate his choice. If a majority of those present and voting on the question shall signify their approval thereof, this act shall be declared to have been adopted. The school district clerk of the Claremont school district shall, within ten days after said election, certify to the secretary of state the results of the vote on this question.

618:4 Effective Date. Section 3 of this act shall take effect upon its passage, and if the act is adopted at said election, the remainder of this act shall take effect January 1, 1971.

[Approved July 2, 1969.]

[Effective date section 3 shall take effect July 2, 1969 and if act adopted at said election, remainder of act shall take effect January 1, 1971.]

CHAPTER 619.

AN ACT INCREASING THE DEBT LIMITATION FOR THE NASHUA SCHOOL DISTRICT.

Be it Enacted by the Senate and House of Representatives in General Court convened:

619:1 Nashua School District. Notwithstanding the provisions of RSA 33:4-a, (b), the city of Nashua may incur net indebtedness for school pur-

poses to an amount outstanding at any one time of not more than ten (10) per cent of the city's valuation as determined in RSA 33:4-b.

619:2 Effective Date. This act shall take effect upon passage.

[Approved July 2, 1969.]

[Effective date July 2, 1969.]

CHAPTER 620.

AN ACT PROVIDING FOR COMPENSATION TO COUNCILMEN IN THE CITY OF CONCORD.

Be it Enacted by the Senate and House of Representatives in General Court convened:

620:1 Compensation For Councilmen. Amend section 11 of chapter 418 of the Laws of 1949 by striking out said section and inserting in place thereof the following: **11. Compensation.** Councilmen shall receive, in full payment for their services, an annual salary which shall be established by the council biennially in the odd numbered years to take effect January first in the even numbered years; provided, however, that there shall be no change in the salary of the councilmen until January 1, 1970.

620:2 Referendum. This act shall not take effect unless it is adopted by a majority vote at the regular biennial municipal election to be held in the city of Concord in the year 1969. On the ballot then used the following question shall appear "Shall the provisions of an act entitled, 'An act providing for compensation to councilmen in the city of Concord' passed at the 1969 session of the legislature, be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with a square immediately opposite each word, in which the voter may indicate his choice. The referendum relative to the adoption of this act shall be conducted in every way, except as otherwise herein provided, in the same manner as the election of candidates for office under the present charter. If a majority of those voting on this question at said election vote in the affirmative on this question, this act shall be declared to be adopted. The city clerk shall within one week of said election certify to the secretary of state the result of the vote on the above question.

620:3 Effective Date. Section 2 of this act shall take effect upon its passage, and if the act shall be adopted at the municipal election of November 4, 1969, the remainder of this act shall take effect on January 1, 1970.

[Approved July 2, 1969.]

[Effective date section 2 effective July 2, 1969 if act adopted at municipal election of November 4, 1969, the remainder of act shall take effect on January 1, 1970.]

CHAPTER 621.

AN ACT PROVIDING FOR CENTRALIZED VOTER REGISTRATION WITH THE CITY CLERK
IN THE CITY OF CONCORD.

*Be it Enacted by the Senate and House of Representatives in General Court
convened:*

621:1 Registration of Voters. Amend Laws of 1949, 418 by inserting after section 2-a as inserted by 1953, 359:1 and as amended by 1955, 400:1 the following new sections:

2-b. Registration by City Clerk. In addition to the powers conferred upon the supervisors of the check lists, the city clerk shall have powers to examine persons desiring to register as voters in the city of Concord under the following conditions:

I. No registration hereunder shall be accepted within thirty days of an election.

II. Such central registration may be exercised during any regular office hours of said clerk.

III. Said city clerk shall have the power to administer oaths to persons who appear before him, and to exercise the powers of the supervisors of the check lists granted in RSA 55:10, 11, 12, and 13.

2-c. Names to be Forwarded. Thirty days prior to an election, the city clerk shall forward to the board of supervisors in each ward the names of persons who have registered with him. The supervisor shall thereupon add said names to the check lists of the respective wards.

621:2 Referendum. At the municipal election to be held in the city of Concord in November 1969, the city clerk then in office shall cause to be included on the ballot then used the following question: "Shall the provisions of an act entitled, 'An Act providing for centralized voter registration with the city clerk in the city of Concord' passed at the 1969 session of the legislature, be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with a square immediately opposite each word, in which the voter may indicate his choice. If a majority of those voting on this question at said election vote in the affirmative on this question, this act shall be declared to be adopted. The city clerk shall within ten days after said election certify to the secretary of state the results of the vote on the above question.

621:3 Effective Date. Section 2 of this act shall take effect upon its passage, and if the act shall be adopted at the municipal election of November, 1969, the remainder of this act shall take effect on January 1, 1970.

[Approved July 2, 1969.]

[Effective date section 2 effective July 2, 1969 and if act adopted at municipal election of November, 1969, remainder of act shall take effect on January 1, 1970.]

CHAPTER 622.

AN ACT RELATIVE TO THE MEETINGS OF THE CITY COUNCIL OF CONCORD.

Be it Enacted by the Senate and House of Representatives in General Court convened:

622:1 Council Meetings. Amend section 12 of chapter 418 of the Laws of 1949 as amended by chapter 409:1 of the Laws of 1955 by striking out said section and inserting in place thereof the following: **12. Meetings.** All meetings of the council shall be public. Regular meetings shall be held on the second Monday of each month unless they fall on a state or federal holiday, then said meeting shall be held on the first Tuesday following the second Monday of the month. Special meetings shall be held upon notice being delivered by the city clerk to each councilman, or left at his or her last and usual abode, or delivered in accordance with his or her written instructions on file in the office of the city clerk. A special meeting may be called at the request of the manager or at least eight councilmen. The council shall establish its own rules and a majority shall constitute a quorum of the transaction of the business of the council. Newly elected members of the council shall assume office at the regular January meeting in each even numbered year.

622:2 Referendum. This act shall not take effect unless it is adopted by a majority vote at the regular biennial municipal election to be held in the city of Concord in the year 1969. On the ballot then used the following question shall appear "Shall the provisions of an act entitled 'An Act relative to the meetings of the city council of Concord' passed at the 1969 session of the legislature providing that when the regular Monday council meetings fall on a Holiday they shall be held Tuesday, the next day, be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with a square immediately opposite each word, in which the voter may indicate his choice. The referendum relative to the adoption of this act shall be conducted in every way, except as otherwise herein provided in the same manner as the election of candidates for offices under the present charter. If a majority of those voting on this question at said election vote in the affirmative on this question, this act shall be declared to have been adopted. The city clerk shall within one week of said election certify to the secretary of state the result of the vote on the above question.

622:3 Effective Date. Section 2 of this act shall take effect upon its passage, and if the act shall be adopted at the municipal election of November 4, 1969, the remainder of this act shall take effect on January 1, 1970.

[Approved July 2, 1969.]

[Effective date section 2 effective July 2, 1969 and if act adopted at municipal election of November 4, 1969, remainder of this act shall take effect January 1, 1970.]

CHAPTER 623.

AN ACT ESTABLISHING A DEPARTMENT OF TRAFFIC FOR THE CITY OF MANCHESTER.

Be it Enacted by the Senate and House of Representatives in General Court convened:

623:1 Definitions.

I. The word "department" as used in this act shall mean the department of traffic hereby established.

II. The words "traffic committee" as used in this act shall mean the traffic committee of the board of mayor and aldermen, and the word "superintendent" as used in this act shall mean the superintendent of the department of traffic.

III. The words "traffic control devices" shall include signals, signs, markings, and parking meter bases.

623:2 Committee of Traffic. A department of traffic for the city of Manchester is hereby established and the members of the traffic committee of the board of mayor and aldermen shall administer said department, and have the powers and duties hereinafter provided.

623:3 Organization; Superintendent; Meetings. Immediately upon the effective date of this act, said traffic committee shall organize, choosing one of their number as clerk, and they shall then appoint a competent person to be superintendent of the department and to hold office during the pleasure of the traffic committee. They shall hold one meeting each month, on a day to be fixed by themselves, and the chairman may call a special meeting at any time.

623:4 Duties of Superintendent. The superintendent shall have full charge, supervision, management and control of the building, constructing, repairing and maintaining of all traffic control devices, signals, signs, markings, and parking meter bases, the developing and improving of the department of traffic building; he shall have the expenditure of all appropriations which the board of mayor and aldermen shall from year to year vote for such purposes (with the approval of the traffic committee) and all bills and payrolls for expenditures from the appropriations voted from year to year by the board of mayor and aldermen for such purposes shall be certified to by the superintendent and approved by the traffic committee before the same are paid by the city treasurer. The superintendent is hereby authorized to provide for the furnishing and delivering of supplies and the performance of any work contemplated in this act by contract, and in so doing to call for proposals for furnishing and delivering such supplies or doing such work and to make a contract therefor in the name and behalf of said city (provided such contract shall first be approved by the traffic committee), and the party to whom the contract was awarded shall furnish proper surety for the faithful performance of said contract provided, however, that in the employment of labor, citizens of Manchester shall be given preference, and in making of such contracts such preference shall be stipulated for when practicable; said superintendent shall annually on or about the fifteenth day of October prepare and transmit to the traffic committee and board of mayor and aldermen an estimate of the appropriation required for the building,

constructing, repairing and maintaining of all traffic control devices, signals, signs, markings, and parking meter bases in said city for the ensuing year, and he shall make a report to said board of mayor and aldermen of the doings of the department for the year ending with the December draft of each year. The superintendent may appoint, with the advice and consent of the traffic committee, one competent person to act as traffic maintenance foreman and one competent person to act as traffic signal foreman; he shall, with the advice and consent of the traffic committee, establish a schedule of grades or relative positions to include all foremen, subordinate officers, agents, clerks, and all other persons who are employed or may be employed in carrying out the work contemplated under this act, subject to "An Ordinance on the adoption and administration of the position classification and compensation plans", and he shall, for the carrying out of the purposes of this act, have all the powers now by law vested in the various city departments and officials of said city now having control of the matters covered by this act, and he shall have the authority to appoint or hire, to dismiss or discharge such foremen, subordinate officers, agents, clerks, and other persons as he may deem expedient.

623:5 Referendum. The provisions of this act shall not take effect unless it is adopted by a majority vote at the regular municipal election held in the city of Manchester in November, 1969 as hereinafter provided. The city clerk then in office shall cause to be placed at the bottom of the regular election ballot for city officers the following question: "Shall the provisions of an act entitled 'An act establishing a department of traffic for the city of Manchester' passed at the 1969 session of the legislature be adopted?" Beneath the question shall be printed the word "Yes" and the word "No" with a square immediately opposite each word in which the voter may indicate his choice. The referendum relative to the adoption of this chapter shall be conducted in every way, except as otherwise herein provided, in the same manner as the election of officers. If a majority of those voting on this question at said election vote in the affirmative on this question this act shall be declared to have been adopted. Within ten days after said election the city clerk shall certify to the secretary of state the result of said vote.

623:6 Effective Date. Section 5 of this act shall take effect upon its passage and if the act shall be adopted at the election in November, 1969, the remainder of this act shall take effect on January 1, 1970.

[Approved July 3, 1969.]

[Section 5 of act shall take effect July 3, 1969 and if act adopted at election in November, 1969, remainder of act shall take effect on January 1, 1970.]

CHAPTER 624.

AN ACT LEGALIZING CERTAIN TOWN MEETINGS HELD IN THE TOWN OF DERRY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

624:1 Proceedings Legalized. All the votes and proceedings, including but not being limited to all votes adopting zoning ordinances or amend-

ments thereto, at the town meetings held in the town of Derry on March 12, 1946, November 16, 1959, February 21, 1961, March 14, 1967, and December 28, 1967 are hereby legalized, ratified and confirmed.

624:2 Existing Actions. None of the provisions of section 1 of this act shall in any way prejudice or effect the rights, duties, power or authority of any party in the action now pending before the supreme court of New Hampshire entitled William Collins, et a vs Town of Derry, et a.

624:3 Effective Date. This act shall take effect upon its passage.

[Approved July 3, 1969.]

[Effective date July 3, 1969.]

CHAPTER 625.

AN ACT PROVIDING THE SELECTMEN IN THE TOWN OF SALEM WITH
THE AUTHORITY TO MAKE PLANS FOR AN INDUSTRIAL PARK AUTHORITY.

Be it Enacted by the Senate and House of Representatives in General Court convened:

625:1 Purpose. It is declared that in the town of Salem there is a need for the development of additional industry, recreational facilities and areas suitable for such development for the preservation and betterment of the economy of the town and its inhabitants. It is the purpose of this chapter to provide for the establishment and redevelopment of such areas together with adequate transportation, water, sewage and other necessary facilities so as to provide and encourage orderly industrial and recreational development in the best interests of the town.

625:2 Selectmen's Powers. The selectmen of the town of Salem are authorized to prepare plans for the industrial and recreational development of Salem. If a plan is approved pursuant to section 3 of this chapter, the selectmen are further authorized to:

I. Acquire, hold and dispose of personal property for its purposes.

II. Acquire and hold in the name of the town by gift, purchase, lease or otherwise, real property and rights and easements therein, and dispose thereof, as the selectmen deem necessary or desirable for the purposes herein established.

III. Acquire in the name of the town security by way of mortgage deed or otherwise any property title to which may be in any corporation or body other than the town and upon which facilities may be developed or constructed.

IV. Employ such assistants, agents and consultants as it shall deem necessary or desirable.

V. Borrow money, make and issue negotiable notes, bonds and other evidence of indebtedness or obligations of the town and to secure the payment of such obligations or any part thereof by pledge.

625:3 Project Reports. The selectmen before commencing any plan

shall submit said plan to the voters of the town of Salem at an annual town meeting. If said plan is approved by the voters by a majority vote, or in the case of a bond issue as may be required by statute, the selectmen shall be authorized to implement the plan for such orderly industrial or recreational development.

625:4 Referendum. At the town meeting to be held in the town of Salem in March, 1970, the town clerk then in office shall cause to be included on the ballot then used the following question: "Shall the provisions of an act of the General Court of 1969 increasing the authority of the selectmen in order that they may be authorized to make plans for an industrial park authority be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with a square immediately opposite such word in which the voter may indicate his choice. If a majority of the voters present and voting on the question shall signify their approval thereof, this act shall be declared to be adopted. The town clerk in the town of Salem shall within ten days after said election, certify to the secretary of state the result of the vote on this question.

625:5 Effective Date. Section 4 hereof, relative to the referendum, shall take effect upon passage of this act. If this act shall be adopted in accordance with the provisions of section 4, the remainder shall take effect April 1, 1970.

[Approved July 3, 1969.]

[Effective date section 4 relative to referendum, shall take effect July 3, 1969. If act adopted in accordance with section 4, the remainder of act shall take effect April 1, 1970.]

CHAPTER 626.

AN ACT RELATIVE TO THE POWER OF LEBANON COLLEGE AND GUNSTOCK JUNIOR COLLEGE TO GRANT CERTAIN DEGREES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

626:1 Authority Granted. Lebanon College, an educational institution conducted in Lebanon, New Hampshire, is hereby authorized to confer upon the graduates therefrom the degree of Associates of Arts for the period from June 30, 1969 to June 30, 1971; provided, that said college receives the approval of the coordinating board of advanced education and accreditation.

626:2 Gunstock Junior College. Amend Laws 1967, 555:1 by striking out in line four the words "May 1, 1968 to June 30, 1969" and inserting in place thereof the following (June 30, 1969 to June 30, 1971) so that said section as amended shall read as follows: **555:1 Authority Granted.** Gunstock Junior College of Laconia, an educational institution, is hereby authorized to confer upon the graduates therefrom associate degrees in arts and sciences for the period from June 30, 1969 to June 30, 1971, provided, that the granting of such degrees is approved by the coordinating board of advanced education and accreditation.

626:3 Effective Date. This act shall take effect upon its passage.
[Approved July 3, 1969.]
[Effective date July 3, 1969.]

CHAPTER 627.

AN ACT AMENDING THE NASHUA CITY CHARTER.

Be it Enacted by the Senate and House of Representatives in General Court convened:

627:1 Governing Body; Terms. Amend Laws of 1913, 427: part 1, 40 by striking out said section and inserting in place thereof the following:

Sect. 40. The terms of the members of the governing body shall be as follows:

I. The mayor shall be elected for a term of four years at every other municipal election beginning in the year 1971.

II. The nine ward aldermen shall be elected for a term of two years at every municipal election.

III. The six at-large aldermen shall be elected for a term of four years, three to be elected at each municipal election.

627:2 Qualifications for Office. Amend Laws of 1913, 427: part 1 by inserting after section 6 the following new section: Sect. 6-a. No person shall be a candidate for office of mayor or alderman-at-large who is not a duly qualified voter of the city. No person shall be a candidate for the office of ward alderman who is not a duly qualified voter in the ward in which he seeks election.

627:3 Vacancies in Board of Aldermen. Amend Laws of 1913, 427: part 1, 44 as amended by 1961, 356:1 by striking out said section and inserting in place thereof the following: Sect. 44. Vacancies occurring in the office of alderman from any cause shall be filled until the next municipal election by the election of some qualified person by the recorded votes of at least a majority of all members of the board of aldermen at the next regular meeting or at a special meeting called for the express purpose of filling the vacancy within sixty days following the creation of the vacancy.

627:4 Compensation. Amend Laws of 1913, 427: part 1 by inserting after section 45 the following new section: Sect. 45-a. The mayor shall devote his full time to his duties and shall not be employed by any other employer during his term of office. He shall receive such salary as may be designated by ordinance. The oldermen shall be compensated per meeting based upon attendance not to exceed an aggregate sum which shall be set by ordinance.

627:5 Removal from Office. Amend Laws of 1913, 427: part 1, 57 by striking out said section and inserting in place thereof the following: Sect. 57. The board of aldermen may, on specific charges and after due notice and hearing, at any time remove from office the mayor or one of its own members for prolonged absence from or other inattention to duty,

mental or physical incapacity, incompetency, crime, immorality, or misconduct in office upon affirmative vote on roll call of at least two thirds of the aldermen. A vacancy occasioned by removal under this section shall be filled in the manner provided in section 44 of this chapter.

627:6 Ordinances. Amend Laws of 1913, 427: part 1 by inserting after section 48 the following new section: Sect. 48-a. Municipal legislation shall be by ordinance. Each ordinance shall be identified by a number and a short title. The enacting clause of each ordinance shall be "The City of Nashua ordains," and the effective date of each ordinance shall be specified in it. All ordinances shall be recorded at length uniformly and permanently by the city clerk, and each ordinance so recorded shall be authenticated by the signature of the mayor and the city clerk. Ordinances shall be published, compiled and revised in such manner and at such times as the board of aldermen shall determine.

627:7 Duties of Aldermen. Amend Laws of 1913, 427: part 1, 48 by striking out said section and inserting in place thereof the following: Sect. 48. Except as herein otherwise provided, the board of aldermen hereby established shall have all the powers and discharge all the duties conferred or imposed upon city councils in convention, city councils voting concurrently, or board of mayor and aldermen acting separately, by chapter 44 to 48 inclusive, of the RSA or other general law now in force or hereinafter enacted, or upon the existing city councils or board of mayor and aldermen of the city of Nashua by special laws not hereby repealed. The board of aldermen shall have the powers of selectmen of towns so far as consistent with this charter. All provisions of such laws pertaining to the powers or duties of any or all such bodies shall be construed to apply to the board of aldermen hereby established unless a contrary intent or provision herein appears.

627:8 Duties of Mayor. Amend Laws of 1913, 427: part 1, 45 as amended by 1921, 246; 1943, 288; 1957, 337:1; 1961, 319:1 and 1965, 425:1 by striking out said section and inserting in place thereof the following: Sect. 45. The mayor shall be the chief administrative officer and the head of the administrative branch of the city government. He shall supervise the administrative affairs of the city and shall carry out the policies enacted by the board of aldermen. He shall enforce the ordinances of the city, this charter, and all general laws applicable to the city. He shall keep the board of aldermen informed of the condition and needs of the city and shall make such reports and recommendations as he may deem advisable, and perform such other duties as may be prescribed by this charter or required of him by ordinance or resolution of the board of aldermen, not inconsistent with this charter. He shall have and perform such other powers and duties not inconsistent with the provisions of this charter as now are or hereafter may be conferred or imposed upon him by municipal ordinance or upon mayors of cities by general law. The mayor shall nominate and the aldermen confirm an administrative assistant to the mayor who shall serve for an indefinite term and perform such duties and functions as the mayor shall designate. Said administrative assistant shall be chosen for his executive and administrative qualifications and need not be a resident of this state. He shall receive such compensation as may be set by ordinance.

627:9 Appointive Power of Mayor. Amend Laws of 1913, 427: part 1 by inserting after section 45-a the following new section: Sect. 45-b. The mayor shall have the power to appoint and remove all officers and employees in the administrative services of the city, subject to the provisions of this charter, and he may authorize and empower the head of a department or officer responsible to him to appoint and remove subordinates in such department or office. All such appointments shall be without definite term unless made for a provisional, temporary or emergency service not to exceed the maximum limits which may be prescribed by the merit plan.

627:10 Interference by Aldermen. Amend Laws of 1913, 427: part 1 by inserting after section 47 the following new section: Sect. 47-a. It is the intention of this charter that the board of aldermen shall act in all matters as a body, and it is contrary to the spirit of this charter for any of its members to seek individually to influence the official acts of the mayor, or any other officer, or to direct or request, except in writing, the appointment of any person to, or his removal from, office; or to interfere in any way with the performance by such officers of their duties. The board of aldermen and its members shall deal with the administrative service solely through the mayor and shall not give orders to any subordinate of the mayor either publicly or privately, but they may make suggestions and recommendations. Nothing herein contained shall prevent the board of aldermen from appointing committees of its own members or of citizens to conduct investigations into the conduct of any officer or department, or any matter relating to the welfare of the municipality, and delegating to such committees such powers of inquiry as the board of aldermen may deem necessary.

627:11 Appointive Powers. Amend Laws of 1913, 427: part 1, 42 by striking out said section and inserting in place thereof the following: Sect. 42. The mayor with consent of the board of aldermen shall appoint a city clerk, a welfare officer, three assessors, a treasurer and collector of taxes who shall be one and the same person, and a city solicitor, each of whom shall serve an indefinite term at the pleasure of the mayor; and such other officers as may be necessary to administer all departments which the board of aldermen shall establish. Said city officers shall receive such compensation as may be set by ordinance. Each assessor shall prior to his appointment have demonstrated knowledge of property appraisal or assessment and of the laws governing the assessment and collection of property taxes. It shall be the duty of the board of assessors to assess all taxable property in the city in accordance with general law and such administrative regulations as may be promulgated pursuant thereto, to maintain a standard system of assessment records, and to perform such other duties as the board of aldermen may prescribe by ordinance. The powers and duties of officers and heads of departments appointed by the mayor shall be those prescribed by state law, by this charter or by ordinance.

627:12 Administration. Amend Laws of 1913, 427: part 1 by inserting after section 49 the following new section: Sect. 49-a. The city shall have a department of administration headed by the mayor, and such other departments, divisions, and bureaus as the board of aldermen may establish by ordinance. It shall be the duty of the first mayor elected under the provisions of this section to draft and submit to the board of aldermen within

six months after assuming office, an ordinance providing for the division of the administrative service of the city into departments, divisions and bureaus, and defining the functions and duties of each. Subsequent to the adoption of such ordinance, upon recommendation of the mayor, the board of aldermen by ordinance may create, consolidate or abolish departments, divisions and bureaus and defining the functions and duties of each. Subsequent to the adoption of such ordinance, upon recommendation of the mayor, the board of aldermen by ordinance may create, consolidate or abolish departments, divisions and bureaus of the city and define or alter their functions and duties. The compilation of such ordinances shall be known as the "Administrative Code." Each officer shall have supervision and control of his department and of the employees therein and shall have power to prescribe rules and regulations, not inconsistent with general law, this charter, the administrative code, and the provisions of the merit plan. Prior to adoption of the administrative code, the mayor shall have the power to establish temporary rules and regulations to insure economy and efficiency in the several divisions of the city government.

627:13 Purchasing. Amend Laws of 1913, 427: part 1, 51 by striking out said section and inserting in place thereof the following: Sect. 51. The administrative code shall establish a centralized purchasing and contract system, including the combination of purchasing of similar articles for different departments, and purchasing by competitive bids whenever practical. The mayor shall be charged with the administration of the system so established.

627:14 Finance. Amend Laws of 1913, 427: part 1 by inserting after section 50 the following new sections:

Sect. 50-a. The fiscal and budget year of the city shall begin on the first day of July and end on the last day of June, provided, however, that the first budget under this section shall be for the period of January 1, 1972 to June 30, 1973.

Sect. 50-b. Control of finances shall be under a director known as a "business administrator" who shall be chosen solely on the basis of his executive and administrative qualification, his actual knowledge of accepted practice in respect to the duties of municipal fiscal management. Such business administrator need not be a resident of the city or state at the time of his appointment but during tenure of office, he may reside outside the state only with approval of the board of aldermen. The control function shall include provisions for an encumbrance system of budget operation, for expenditure only upon written requisition, for the pre-audit of all claims and demands against the city prior to payment, and for the control of all payments out of any public funds by individual warrants for each payment to the official having custody thereof.

Sect. 50-c. The board of aldermen may provide that taxes upon real estate shall be paid in two payments each year. The first payment shall be due on June first and shall be equal to one-half of the taxes assessed upon the real estate during the last previous tax year. Interest at six percent per year shall be charged upon said amount after June first, and shall be collected with the taxes as an incident thereto. The second payment shall be due on December first and shall be equal to the tax assessed against the real

estate on April first of that year, minus the amount due in the first payment. Interest at six percent per year shall be charged upon said amount after December first, and shall be collected with the taxes as an incident thereto, except that if a tax bill is sent to the taxpayer on or after November second, and before November sixteenth, interest shall not be charged on the amount due in the second payment until after December fifteenth. If a tax bill is sent to the taxpayer on or after November sixteenth, interest shall not be charged on the amount due in the second payment until after December thirtieth. The tax collector shall state on the tax bill the date from which interest will be charged and such date shall be determined by the day the collector sends out the last tax bill on his list. The collector shall notify the tax commission in writing of the date on which the last tax bill was sent.

627:15 Budget. Amend Laws of 1913, 427: part 1, 56 by striking out said section and inserting in place thereof the following: Sect. 56. The municipal budget shall be prepared by the mayor with the assistance of the officer exercising the control function provided for in section 50-b. At such time as may be requested by the mayor or specified by the administrative code, each officer or director of a department shall submit an itemized estimate of the expenditures for the next fiscal year for the department or activities under his control. The mayor shall submit the proposed budget to the board of aldermen at least one month before the start of the fiscal year of the budget.

627:16 Budget Hearing and Adoption. Amend Laws of 1913, 427: part 1 by inserting after section 56 the following new sections:

Sect. 56-a. A public hearing on the budget shall be held before its adoption by the board of aldermen, at such time and place as the board of aldermen shall direct, and notice of such public hearing together with a copy of the budget as submitted shall be published at least one week in advance of the hearing by the city clerk.

Sect. 56-b. The board of aldermen may reduce any item or items in the mayor's budget by a vote of a majority of the board, but an increase in or addition of any item or items therein shall become effective only upon an affirmative vote of two thirds of the members of the board of aldermen. The budget shall be finally adopted not later than the first day of the second month of the fiscal year.

627:17 Depository. Amend Laws of 1913, 427: part 1, 52 by striking out said section and inserting in place thereof the following: Sect. 52. The board of aldermen shall designate the depository or depositories for city funds, and shall provide for the daily deposit of all city moneys. The board of aldermen may provide for such security for city deposits as it may deem necessary, except that personal surety bonds shall not be deemed proper security.

627:18 Transfers. Amend Laws of 1913, 427: part 1, 53 by striking out said section and inserting in place thereof the following: Sect. 53. After the budget has been adopted, no money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except pursuant to a budget appropriation unless there shall be a specific appropriation therefor specifying the source from which the funds shall come. Except as otherwise provided in this charter, the board of aldermen

may transfer any unencumbered appropriation balance or any portion thereof from one department, fund, or agency, to another.

627:19 Audit. Amend Laws of 1913, 427: part 1, 54 by striking out said section and inserting in place thereof the following: Sect. 54. An independent audit shall be made of all accounts of the city government at least annually and more frequently if deemed necessary by the board of aldermen. Such audit shall be made by certified public accountants experienced in municipal accounting. An abstract of the results shall be made public. At least once every five years the board of aldermen shall request that such audit be made by the New Hampshire state tax commission or by auditors selected by said commission if then authorized by law to make such audit. An annual report of the city's business shall be made available.

627:20 Bonds. Amend Laws of 1913, 427: part 1, 85 by striking out said section and inserting in place thereof the following: Sect. 85. Any city officer elected or appointed by authority of this charter may be required by the board of aldermen to give a bond to be approved by the city solicitor for the faithful performance of the duties of his office, but all officers receiving or disbursing city funds shall be so bonded. All official bonds shall be corporate surety bonds, and the premiums thereon shall be paid by the city. Such bonds shall be filed with the city clerk.

627:21 City Clerk. Amend Laws of 1913, 427: part 1, 86 by striking out said section and inserting in place thereof the following: Sect. 86. The city clerk shall perform all the duties and exercise all the powers that the existing or future ordinances prescribe as to the functions of city clerk; he shall also perform all the duties and exercise all the powers assigned by law to such officers or officer in towns and cities so far as such laws may apply to said city.

627:22 Borrowing. Amend Laws of 1913, 427: part 1 by inserting after section 54 the following new section: Sect. 54-a. Subject to the applicable provisions of state law and the rules and regulations provided by ordinance in the administrative code, the board of aldermen, by resolution may authorize the borrowing of money for any purpose within the scope of the powers vested in the city and the issuance of bonds of the city or other evidence of indebtedness therefor, and may pledge the full faith, credit, and resources of the city for the payment of the obligation created thereby. Borrowing for a term exceeding one year shall be authorized by the board only after a duly advertised public hearing.

627:23 Personnel Administration. Amend the Laws of 1913, 427: part 1 by inserting after section 86 the following new sections:

Sect. 86-a. Appointments and promotions to all positions in the service of the city shall be made solely on the basis of merit and only after examination of the applicant's fitness. The first mayor elected under the provisions of this charter shall draft and submit to the board of aldermen within six months after assuming office an ordinance providing for the establishment of a merit system for personnel administration. Such ordinance shall include provisions with regard to classification, compensation, selection, training, promotion, discipline, vacations, retirement and any other matters necessary to the maintenance of efficient service and the improvement of work-

ing conditions. Officials elected by the people shall be exempt from the provisions of such ordinance. With reasonable dispatch thereafter the board of aldermen shall enact, amend or revise the ordinance so submitted, but in any event the board of aldermen shall enact a merit plan which embodies the provisions herein required. It shall be the duty of the mayor to administer the merit plan so enacted. He may submit revisions of the merit plan to the board of aldermen from time to time as changes in conditions and circumstances in the city service justify.

Sect. 86-b. There is hereby established a personnel advisory board of three citizens holding no other public office and appointed by the mayor, subject to the approval of a majority of the board of aldermen. The term of each member shall be for three years and until his successor is appointed and qualified. However, in the case of first appointments, one member shall be appointed for one year, one for two years, and one for three years. Vacancies shall be filled for the remainder of any term in the same manner as the original appointment. It shall be the duty of the personnel advisory board to study the broad problems of personnel policy and administration, to advise the board of aldermen concerning the personnel policies of the city and the mayor regarding the administration of the merit plan, and to hear appeals from any employee aggrieved as to the status or condition of his employment. The board shall issue written reports containing findings of fact and recommendations to the mayor upon such appeals. But the board shall have no power to reinstate an employee unless it finds after investigation, that disciplinary action was taken against the employee for religious, racial or political reasons.

Sect. 86-c. The merit plan may contain provisions for a system for the retirement of any city employee who shall have attained an age or condition of health which warrants retirement from further service. Any such plan shall provide payments to retired employees only as additional compensation for services rendered after the inauguration of such a plan and before a retirement.

627:24 Special Assessments. Amend Laws of 1913, 427: part 1 by inserting after section 72 the following new sections: Sect. 72-a. The board of aldermen shall have power to determine that the whole or any part of the expense of any public improvement shall be defrayed by special assessments upon the property especially benefited and shall so declare by resolution. Such resolution shall state the estimated cost of the improvement, what proportion of the cost thereof shall be paid by special assessments, and what part, if any, shall be a general obligation of the city, the number of installments in which assessments may be paid, and shall designate the districts or land and premises upon which special assessments shall be levied.

Sect. 72-b. The board of aldermen shall prescribe by general ordinance complete special assessment procedure concerning plans and specifications, estimate of costs, notice and hearing, the making of the assessment roll and correction of errors, the collection of special assessments, and any other matters concerning the making of improvements by the special assessment method.

627:25 Assistant Assessors. Amend Laws of 1913, 427: part 1, 70 as amended by 1915, 270:1 by striking out in lines one and two the words

“authorize the board of assessors to employ assistants” and inserting in place thereof the words (employ assistant assessors) so that said section as amended shall read as follows: Sect. 70. The board of aldermen may by ordinance employ assistant assessors to aid in making the list of ratable polls, such assistants to be employed for such time and for such compensation as shall be fixed by the board of aldermen. It may also by ordinance authorize the employment of such clerical assistance as may be required by the board of assessors, and fix the amount to be expended for such assistance.

627:26 Records. Amend Laws of 1913, 427: part 1, 71 by striking out said section and inserting in place thereof the following: Sect. 71. The books and records of the assessors shall be the property of the city, and at all times be open to public inspection during office hours.

627:27 Board of Assessors. The elected board of assessors is hereby abolished and the terms of office of the members of said board in office as of January 1, 1970 shall hereby expire.

627:28 Inspectors. Amend Laws of 1913, 427: part 1, by inserting after section 29 the following new section: Sect. 29-a. In addition to the elective members of the board of inspectors of checklists, the city clerk shall be a member of said board.

627:29 Implementation of Fiscal Year Change.

I. Accounting Period. The city of Nashua and departments thereof are hereby authorized to budget their receipts and expenditures, to raise and appropriate revenues and to assess taxes for the eighteen month accounting period between January first, 1972 and June 30, 1973, as provided in Laws of 1913, 427: part 1, Sect. 50-a, as inserted by section 14 of this act.

II. Debt Authorized. The city of Nashua may incur debt under the provisions of RSA 33 in an amount not to exceed one third of the taxes assessed by said city on April 1, 1972 excluding payments due on outstanding debts. Debt incurred pursuant to this paragraph shall be discharged within nine years after it is incurred. The amount of the debt incurred pursuant to this paragraph shall not be included in the debt limit of the city of Nashua, and shall be incurred only for the purpose of defraying costs that result from the eighteen month transitional accounting period provided for in Laws of 1913, 427: part 1, Sect. 50-a, as inserted by section 14 of this act.

627:30 Repeal.

I. Laws of 1947, 341:1 as amended by 1949, 441:4; 1957, 377:2; and 1965, 414:1 relative to the salaries of the members of the Nashua board of aldermen is hereby repealed.

II. Laws of 1913, 427: part 1, 64 relative to the election of the board of assessors is hereby repealed.

III. Laws of 1913, 427: part 1, 65, as amended by 1915, 270:1 relative to the organization of the board of assessors is hereby repealed.

IV. Laws of 1913, 427: part 1, 66, as amended by 1915, 270:1 relative to the office hours of the clerk of the board of assessors is hereby repealed.

V. Laws of 1913, 427: part 1, 67 as amended by 1915, 270:1 relative to the meetings of the board of assessors is hereby repealed.

VI. Laws of 1913, 427: part 1, 68 relative to the voting privileges of the chairman of the board of assessors is hereby repealed.

VII. Laws of 1913, 427: part 1, 72 relative to the expenses of the board of assessors is hereby repealed.

627:31 Application. All statutes and special acts pertaining to the city of Nashua not specifically repealed or otherwise effected by this act shall remain in full force and effect.

627:32 Referendum. At the municipal election to be held in the city of Nashua in November, 1969, the city clerk then in office shall cause to be included on the ballot then used the following question: "Shall the provisions of an act of the General Court of 1969 amending the Nashua city charter be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with a square immediately opposite such word in which the voter may indicate his choice. If a majority of the voters present and voting on the question shall signify their approval thereof, this act shall be declared to have been adopted. The city clerk of the city of Nashua shall, within ten days after said election, certify to the secretary of state the result of the vote on this question.

627:33 Effective Date. Section 32 of this act shall take effect upon its passage and if the act is adopted at the election in November, 1969, the remainder of this act shall take effect on January 1, 1972.

[Approved July 3, 1969.]

[Effective date section 32 shall take effect July 3, 1969 and if act adopted at the election in November, 1969, remainder of act shall take effect January 1, 1972.]

CHAPTER 628.

AN ACT RELATIVE TO THE EXETER AREA SCHOOL.

Be it Enacted by the Senate and House of Representatives in General Court convened:

628:1 Exeter Area Schools. Notwithstanding any provisions of law or any provisions of the adopted plan for the establishment of the Exeter area schools to the contrary, the joint boards of the Exeter area districts may propose amendments to said area school plan to be submitted to the voters of the districts at the next annual school district meetings following the effective date of this section or at special meetings called for this purpose prior thereto. Such proposed amendments shall have at least one public hearing within the area and shall be presented to the state board of education for approval. If the proposed amendments are voted affirmatively by a majority of the voters in each of a majority of the area districts, they shall be deemed to have been adopted, provided said amendments are not in conflict with any statute. The results of the vote in each district shall be sent to the state board of education.

628:2 Effective Date. This act shall take effect sixty days after its passage.

[Approved July 3, 1969.]

[Effective date September 1, 1969.]

THE STATE OF NEW HAMPSHIRE

Office of Secretary of State
Concord, August 29, 1969

I hereby certify that the acts and resolutions contained in this volume have been compared with the originals in this office and found to be correctly printed.

ROBERT L. STARK,
Secretary of State

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